

City of Gainesville

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



Meeting Agenda

December 12, 2005

1:00 PM

City Hall Auditorium

City Commission

***Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Chuck Chestnut (District 1)
Commissioner Warren Nielsen (At Large)
Commissioner Rick Bryant (At Large)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)***

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

CALL TO ORDER

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

050420

Change to Ordinance 2592, to Accommodate the Name Change of the Public Recreation Advisory Board (NB)

This item requests that the City Commission authorize the City Attorney to make the required revisions to existing Ordinance 2592, to provide for the previously approved name change of the Public Recreation Advisory Board.

Explanation: At the City Commission meeting on September 26, 2005 the Commission approved a request by the Public Recreation Advisory Board to change its name to the Public Recreation and Parks Advisory Board.

The approved change in the Board's name will necessitate a change to Ordinance 2592, which currently lists all City Advisory Boards. Therefore, the Board requests the City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the City Code for the purpose of codifying this change.

Fiscal Note: None

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the City

Code for the purpose of codifying the name change of the Public Recreation Advisory Board, as referenced in City Code 2592, to the Public Recreation and Parks Advisory Board.

Alternative Recommendation A: The City Commission rescind its approval of the name change for the Public Recreation Advisory Board; therefore no action will be required by the City Attorney.

Alternative Recommendation B: The City Commission takes no action at this time; therefore no action will be required by the City Attorney.

Legislative History

9/26/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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050526

Addendum - Contract for Light Trucks, Vans & Sport Utility Vehicles (B)

This item revises the existing contract with Wade Raulerson, GMC, Pontiac, Isuzu to meet the original bid documents.

Explanation: The City Commission approved a contract with Wade Raulerson, GMC, Pontiac, Isuzu for the procurement of light trucks, vans and Sport Utility Vehicles (SUVs) at its October 24, 2005 meeting, with the contract terms of three (3) years and two (2) optional one-year extensions with the mutual agreement of both parties. In order to match the original bid documents sent to the vendors, the contract term must be revised as follows: two (2) years and three (3) optional one-year extensions.

Fiscal Note: Funds for fleet replacement are available in the FY05-06 Fleet Replacement fund budget for GG and in GRU's General Plant fund.

RECOMMENDATION

The City Commission: 1) approve the revised contract period with Wade Raulerson, GMC, Pontiac, Isuzu for the procurement of light trucks, vans and SUVs to be two (2) years and three (3) optional one-year extensions with the mutual agreement of both parties; and 2) authorize the City Manager to execute the contract agreement subject to approval by the City Attorney as to form and legality.

Legislative History

10/24/05 City Commission Approved as Recommended (7 - 0)

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050674**Grant Application for Environmental Assessment and Cleanup Assistance (B)**

This item is a grant application to the Florida Department of Environmental Protection (FDEP) for SSA financial assistance to address a low-risk environmental impact on the Depot Park site.

Explanation: In May 2005, ECT Inc., the City's engineering consultant on the Depot Park project, completed an environmental assessment that discovered contamination on the site Rinker Materials leased from CSX Transportation. The City purchased the site in 2001. The contamination is degradation products from chlorinated solvents and arsenic and is located adjacent to the existing garage. The contamination is present in soil and groundwater over a limited area. The FDEP has requested further assessment and remedial action may be required at a later date.

The US Environmental Protection Agency (EPA) established the Site Specific Activity (SSA) program to assist with environmental assessments, development of cleanup options, and limited clean up of low risk contamination. The EPA funds are passed through the FDEP to the grant recipients. The maximum funding amount for eligible sites is \$200,000. It is estimated that the second assessment and cleanup, if required, may cost approximately \$200,000. If the grant is awarded, the FDEP will use its designated contractor to complete the assessments and possibly cleanup, if deemed necessary. FDEP staff indicated that the work could start around March 2006 and conclude around June.

Staff has evaluated the project against the grant eligibility criteria and concluded that the project is eligible to compete for funding. An application and letters of support have been prepared for submittal.

Fiscal Note: No grant match is required. The maximum grant award is \$200,000 per site.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to submit the application to FDEP for the SSA grant assistance, and 2) authorize the City Manager to execute the grant agreement and other grant related documents.

Alternative recommendation

The City Commission decline applying for the SSA grant assistance. The fiscal impact is that up to \$200,000 in assistance may be forfeited and the City will bear the entire cost to address the contamination on the site.

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050707**Second Amendment to the Contract for Architect-Engineer Consulting**

Services for Old Landfill at Sweetwater Branch (B)

This item involves a request for the City Commission to approve additional services and \$150,065 additional compensation for consulting services for the project.

Explanation: This amendment is for additional work performed by Golder Associates, Inc. (GAI) for, 1) assistance provided during termination of C.E.M. Enterprises, Inc. (CEM) on the project, 2) assisting with retaining a completion contractor, and 3) support activities related to the lawsuit brought by CEM due the termination of the contract as well as the quality control work to be performed during the completion of the project by the 'Completion' contractor.

Fiscal Note: The additional services will be funded from the Public Works Department Solid Waste Fund.

RECOMMENDATION

The City Commission: 1) accept the additional work described for the project, 2) authorize the City Manager or designee to execute the Second Amendment to the contract, 3) authorize the increase of the current purchase order by \$150,065 for an amount not to exceed \$668,890, and 4) authorize all necessary budget amendments, including the transfer of funds from the Solid Waste Enterprise fund balance for the project.

Alternative Recommendation A: The City Commission: 1) accept the additional work for Slope System Construction Oversight and work performed through October 2005 for the construction lawsuit support, 2) authorize the City Manager to execute the Second Amendment that includes only the costs for these items and to increase the current purchase order by \$81,936 for an amount not to exceed \$600,761 subject to approval by the City Attorney as to form and legality, 3) refer the balance of the request back to staff for further analysis, and 4) authorize all necessary budget amendments, including the transfer of funds from the Solid Waste Enterprise fund balance for the project. The fiscal impact is that the additional services will be funded from the Public Works Department Solid Waste Fund.

Alternative Recommendation B: The City Commission refer the request back to staff for further review. The fiscal impact would be deferred with this action.

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050710

Selection of Symetra Life Insurance Company as the Carrier for the City's

Group Health Plan Specific Stop-Loss Insurance (B)

This item involves the selection as Symetra Life Ins. Co. to provide the City's Group Health Plan with Specific Stop-Loss Insurance for claims in excess of \$150,000.

Explanation: The City of Gainesville purchases specific stop-loss insurance to protect the City's Group Health Plan. Specific stop-loss insurance is a risk-financing tool used to transfer the risk of catastrophic health claims to a third party, in this case an insurer. Under a stop-loss arrangement, the City's Group Health Plan would be responsible to pay for a claim until it reaches a set dollar amount called the attachment point. Once the claim exceeds the attachment point, the insurer will reimburse the Group Health Plan for all costs paid above that attachment point.

This is not a policy that would be purchased through the City's broker agreement with Marsh. The City of Gainesville, with the aid of Waters Risk Management developed a Request for Proposals (RFP) for Stop-Loss Insurance for its Group Health Plan. The City received quotes from six insurance carriers through two Agents. Despite the fact that the RFP allowed for carrier direct quotes and requested carriers to provide multiple quotes through different agents, there were no direct carrier quotes and only one carrier presented quotes through multiple agents. Four quotes were received through Gallagher Benefit Services and two through Hilb, Rogal & Hobbs (HRH).

The RFP was evaluated based on Cost (45pts), Coverage (25pts), Service (15pts) and Financial Stability (15pts). The final scores reflect an additional five points awarded to the local vendor as required by the City's Local Vendor Preference ordinance. Based on the review of the proposals following the above scoring criteria, staff recommends the insurance program quoted by Symetra Life as the provider of specific stop loss insurance to the City's group health plan. Our consultant concurs with the choice of Symetra. The quoted premium is a ten percent reduction from the current premium and will save the Group Health Plan between \$35,000 and \$55,000 depending on the loss experience of the policy. A summary of the scoring is included in the backup.

The Symetra quote was received through Gallagher Benefit Services. Gallagher Benefit Services is a wholly owned subsidiary of Arthur J. Gallagher & Co. The quoted premium included a 15% commission and will result in a commission between \$54,000 and \$80,000. One of the significant advantages to the Symetra quote relates to a retrospective premium option that is not available with the other carriers. This option allows for additional risk sharing with the carrier, with the City being rewarded up front for positive loss experience. This option could allow the City to pay a lower premium, potentially up to approximately \$160,000 lower. Any additional premium would be based on the loss experience associated with claims paid for plan year 2006. As mentioned above, even the worst-case scenario would result in a lower premium than last year. All cost projections for the purpose of evaluating this RFP assumed no incremental savings from this retrospective premium to ensure a fair comparison.

Though Symetra declined to release a bid through HRH, the HRH proposal suggests that the City choose Symetra and offers to act as the City's agent. This method would result in commissions of \$20,000 versus the \$54,000 to \$80,000 under Gallagher's bid. This would require an agent of record designation by the City of Gainesville. The RFP was designed to find a provider of stop-loss insurance and not specifically to select an agent. In the normal course of business, the agent who brings the lowest qualified bid would be chosen as the agent of record. The option of selecting Symetra and designating HRH as the broker of record was reviewed by the City Attorney's Office and based on their review this is not an option. According to the City Attorney's Office, the City could only choose a carrier option that was included in the HRH proposal. HRH did not have a premium quote from Symetra and therefore cannot offer that product as an option under the current RFP process. The lowest premium option submitted by HRH was from Sun Life Assurance Company. This option is included in Alternative Recommendation 2 and has an additional cost between \$136,000 and \$297,000.

Finally, it should be noted that a requirement of the RFP included disclosure of any litigation, settlements or allegations of wrongdoing. The HRH proposal did not address this issue, while the Gallagher Benefit Services proposal did. Parent companies of both firms have recently entered into voluntary Settlement Agreements related to business practices. The evaluations reflect the responses and non-responses of the vendors on this point.

***Fiscal Note:** Funds for this insurance have been budgeted in the Employee Health and Accident Benefits (EHAB) Fund and the cost of this coverage is included in the approved 2006 health insurance rates.*

RECOMMENDATION

The City Commission: 1) authorize the selection of Symetra Life Insurance Company as the carrier for specific stop-loss insurance for calendar year 2006; 2) authorize issuance of a purchase order in an amount sufficient to cover applicable charges for specific stop-loss to Symetra Life Insurance Company; 3) authorize Gallagher Benefit Services as the agent; and, 4) authorize the City Manager or his designee to negotiate and execute the necessary documents required to complete the transaction, subject to approval from the City Attorney as to form and legality.

Alternative Recommendation A:

The City Commission: 1) authorize the selection of Symetra Life Insurance Company as the carrier for specific stop loss insurance for calendar year 2006; 2) authorize issuance of a purchase order in an amount sufficient to cover applicable charges for specific stop loss to Symetra Life Insurance Company; 3) authorize Gallagher Benefit Services as the agent; 4) direct staff to conduct a Request for Qualification specifically to select a Group Benefits Broker and Consultant; and, 5) authorize the City Manager or his designee to

negotiate and execute the necessary documents required to complete the transaction, subject to approval from the City Attorney as to form and legality.

Alternative Recommendation B:

The City Commission: 1) authorize the selection of Sun Life Assurance Company as the carrier for specific stop loss insurance for calendar year 2006; 2) authorize issuance of a purchase order in an amount sufficient to cover applicable charges for specific stop loss Sun Life Assurance Company; 3) authorize Hilb, Rogal and Hobbs as the agent; and, 4) authorize the City Manager or his designee to negotiate and execute the necessary documents required to complete the transaction, subject to approval from the City Attorney as to form and legality.

Fiscal Note: This alternative will cost the Employee Health and Accident Benefits Fund between \$136,000 and \$297,000 for calendar year 2006.

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050711

Award of Contract for Installation of Ball Field Fences at Greentree and Northeast Parks (B)

Installation of new fences is one of several improvements being made to the ball fields at Greentree and Northeast Parks.

Explanation: The Parks Division solicited bids for the installation and improvement of sideline and home run fences on the ball fields at Greentree and Northeast Parks. The proposed fence improvements will afford the department the ability to secure the ballfields during the off season thus allowing staff to keep the fields in top shape for the City run athletic programs. Three (3) vendors attended the mandatory pre-bid conference; with all submitting bids. Bids were evaluated using price and past performance of Bidder (references). Based on these criteria, Lowman Fence Company was ranked number one at a price of \$50,260.

Fiscal Note: Funds are available for this project in the Greentree/Northeast Park capital improvement fund.

RECOMMENDATION

Recommended Motion: The City Commission: 1) award the contract for installation of the ball field fences at Greentree and Northeast Parks to Lowman Fence Company; 2) authorize the City Manager or designee to execute the contract, subject to approval of the City Attorney as to form and legality; and 3) approve the issuance of a purchase order in an amount

not to exceed \$50,260 to Lowman Fence Company.

Alternative Recommendation A: The City Commission request the Parks Division re-bid the fencing project.

Alternative Recommendation B: Do not replace the current fencing on these ball fields.

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050721

Amendment of City Personnel Policies (B)

This item relates to the proposed amendment of Personnel Policy 19, Disciplinary Procedures, and Personnel Policy 20, Grievances, in order to make these policies consistent with Ordinance No. 0-06-08, adopted at first reading on November 28, 2005.

Explanation: Upon the adoption of Ordinance No. 0-06-08, certain of the City's personnel policies are not consistent with this ordinance as drafted. Staff is recommending that Personnel Policy 19 and Personnel Policy 20 be amended to eliminate this inconsistency.

Fiscal Note: None

RECOMMENDATION

The City Commission authorize:

1) The amendment of Personnel Policy 19, Section II, by adding the following sentence: "When a position has become designated as a Director of a Department (Article III of the City Charter), the provisions of this Policy 19 shall no longer be applicable to employees holding such position as a regular employee, except that such employee shall remain protected by the provisions of Section 3(G)".

2) The amendment of Personnel Policy 19 Section 3(G), in its entirety, to read as follows: A. Employees are protected against reprisal for the lawful disclosure of information which the employees reasonably believes evidences: 1. Violation of any law, rule, policy, or regulation, or 2. Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Any such disclosure shall be submitted directly to the City Manager for investigation and may be submitted verbally or in writing. In the event the disclosure involves a Charter Officer such disclosure shall be submitted to any member of the City Commission. The name of the employee making such disclosure shall not be unreasonably revealed.

3) *The amendment of Personnel Policy 20, in its entirety to read as follows:*

I. Policy:

The City will maintain a grievance procedure to provide full opportunity to employees, not designated as Directors of Departments (Article III of the City Charter) and not covered by a collective bargaining agreement, to bring to the attention of management grievances to restore alleged loss of rights as a result of a violation of the Personnel Policies and Procedures or written Departmental Rules and Regulations. The City's grievance procedure is not established to duplicate, replace, or provide an alternative to the handling of charges of discrimination or harassment covered by City Policy 27.

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050629

Amendment to 2004-05 CDBG and HOME Annual Action Plan (B)

This amendment formalizes the allocation of HOME funds for the proposed Southeast Gainesville Renaissance Initiative (SEGR).

Explanation: The City Commission has stated its wish to redevelop properties in southeast Gainesville. Staff presented an outline for proceeding with the Southeast Gainesville Renaissance Initiative at the June 23, 2005 City Commission retreat. Staff's consultant presented a feasibility analysis regarding development of new mixed-income housing in southeast Gainesville.

Approximately \$333,471 in HOME funds had been set aside within the City Housing Division budget for the Southeast Gainesville Renaissance Initiative. Staff is proposing an amendment of the Annual Action Plan to reflect the Southeast Gainesville Renaissance project.

Staff presented this proposed amendment to the Citizens Advisory Committee for Community Development (CACCD) on October 18, 2005 and the CACCD has recommended approval. In addition, staff has published a notice of the proposed amendment in The Gainesville Sun on October 15, 2005.

Fiscal Note: \$333,471 in HOME funds is currently set aside in the Housing Division's FY 2004-05 budget, which will be rolled over to FY 2005-06. Since the development would be mixed-income, a portion of the acquisitions and predevelopment expenses would be from bond funding. (Only a portion can be from HUD funds since it will not all be assisted housing.)

RECOMMENDATION

Recommended Motion: The City Commission approve the amendment to the City's 2004-05 CDBG and

HOME Annual Action Plan to include \$333,471 for the Southeast Gainesville Renaissance Initiative.

Alternative Recommendation A: The City Commission reallocate the HOME funds for other approved housing projects.

Alternative Recommendation B: The City Commission decide to postpone acquisition of real estate for the Southeast Gainesville Renaissance Initiative. The fiscal impact would be that the HOME funds could be used for other approved housing projects.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

050727

Contract for Elevator Maintenance and Inspection Services (B)

Staff recommends award of a contract for elevator maintenance and inspection services for all City departments with ThyssenKrup Elevator Corporation.

Explanation: Various City facilities have elevators, manlifts and chairlifts that require monthly maintenance service to keep the equipment properly maintained and safe for operation. In addition to scheduled preventative maintenance services, the equipment also requires repairs and adjustments on an as needed basis as well as annual elevator inspections as required by State regulations.

The General Government facilities included under this contract are City Hall, the Old Library, SW Parking Garage, Thomas Center, Gainesville Police Department, the Thelma Bolton Center and the G-Tech Building. The utility facilities include the Deerhaven and Kelly Generating Stations, Murphree Water Treatment Plant and the GRU Administration Building. Collectively, there are 21 elevators, 2 manlifts and 2 chairlifts that require service.

Request for Proposals were sent to seven (7) prospective elevator companies. Six companies were represented at a mandatory prebid meeting which included a walk through at each facility. Six proposals were received, one with a no bid. The proposals were evaluated based on the company's qualifications and experience, staff qualifications, understanding of the work, pricing and references. ThyssenKrup submitted the best evaluated proposal. A tabulation of the proposals is attached for reference.

Fiscal Note: Funds for these services have been included in the FY 2006 budgets and will be requested in the FY 2007 and 2008 budgets. The annual cost for the maintenance and inspection services is \$40,200; however, this amount may change if equipment is added or non-routine repairs are required.

RECOMMENDATION

The City Commission: 1) authorize the General Manager and City Manager, or their designees, to

execute a three year contract with ThyssenKrup Elevator Corporation for elevator maintenance and inspection services for all City elevators, manlifts and chairlifts, subject to the approval of the City Attorney as to form and legality; 2) approve the issuance of purchase orders for maintenance and inspection services not exceeding budgeted amounts for each of the three fiscal years.

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050728

Contract Infrared Inspection Services (B)

Staff is requesting the issuance of purchase orders for FY 2006 to McCabe & Associates for infrared inspection services.

Explanation: Infrared (thermographic) inspection is utilized by various utility departments to help determine the source of "hot spots" or problem areas on electric transmission and distribution lines and in electric substations. In addition, infrared inspections are offered as a service to utility customers as preventative maintenance for those who are experiencing electric line problems. Through the use of an infrared camera, an experienced technician is able to identify problem areas. The Contractor provides written reports and photographs of the findings which help utility staff locate and repair the problem equipment.

The Purchasing Department sent out an invitation to bid to twenty (20) potential suppliers with nine (9) responding, four (4) with no-bid responses. Staff evaluated the responses based on rate per hour, firm qualifications, staff qualifications, references, equipment used and is recommending award to McCabe and Associates as the best evaluated bidder. A copy of the evaluation is attached for your reference.

Fiscal Note: Funding for infrared services is included in the Operation and Maintenance portion of the budgets of the departments utilizing these services.

RECOMMENDATION

The City Commission authorize the General Manager, or his designee, to approve the issuance of purchase orders for FY 2006, not exceeding budgeted amounts, to McCabe & Associates for infrared inspection services.

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CITY ATTORNEY, CONSENT AGENDA ITEMS

050730

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, AS SUBROGEE OF PAUL FISHER AND PAUL FISHER, INDIVIDUALLY VS. FLOSSIE REBECCA WELCH; ALACHUA COUNTY COURT; CASE NO.: 01-05-SC-4743 (B)

Explanation: On or about November 18, 2005, the City Attorney's Office was notified that a former City Employee was served with a Summons/Notice to Appear for Pre-Trial Conference and Complaint by State Farm Mutual Automobile Insurance Company, as Subrogee of Paul Fisher and Paul Fisher, individually. State Farm Mutual Automobile Insurance Company and Paul Fisher allege that on April 15, 2003, Paul Fisher's vehicle and a RTS vehicle driven by employee Flossie Welch collided. State Farm Mutual Automobile Insurance Company and Paul Fisher seek money damages.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City and former City employee, Flossie Welch, in the case styled State Farm Mutual Automobile Insurance Company, as Subrogee of Paul Fisher and Paul Fisher, individually vs. Flossie Rebecca Welch; Alachua County Court; Case No.: 01-05-SC-4743.

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050738

C. COOLIDGE DAVIS D/B/A C. COOLIDGE DAVIS REALTY VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-05-CA-2181 (B)

Explanation: On November 29, 2005, the City of Gainesville was served with a summons and complaint. The Plaintiff alleges tortious interference with a business contract based on a real estate deal falling through. Mr. Davis is claiming damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City in the case styled C. Coolidge Davis d/b/a C. Coolidge Davis Realty vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-05-CA-2181.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

050733

City Commission Special Meeting (NB)

RECOMMENDATION

The City Commission schedule a special meeting on March 6, 2006, at 6:00 PM in the City Commission Auditorium regarding the ICF report.

050732

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of November 28, 2005 (Regular Meeting); November 21, 2005 (Joint Meeting); December 2, 2005 and December 5, 2005 (Special Meetings); as circulated.

050731**Revised Advisory Board-Committee Application (B)****RECOMMENDATION**

The City Commission refer a proposed application revision regarding City residency to the Personnel and Organizational Structure Committee.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****050708****Update of the University of Florida Comprehensive Master Plan (NB)**

Three committees appointed by the President of the University have completed the first draft of the University of Florida Comprehensive Master Plan, 2005-2015. The Plan will soon be transmitted to the University of Florida Board of Trustees (BOT). The BOT will be asked to review and approve transmittal of the Plan to State agencies and local governments, and to the general public for a 90-day review period that will end in March of 2006. The University of Florida's Facilities Planning and Construction Division will make a presentation to the City Commission on the draft Plan.

Explanation: The three committees appointed by the President of the University of Florida, the Transportation Study Committee, the Conservation Study Committee, and

the Master Plan Steering Committee, have completed the first draft of the University of Florida Comprehensive Master Plan, 2005-2015. For the 10-year planning period, the draft plan envisions an additional 3.7 million square feet of main campus development (which currently totals 18.3 million square feet). The Plan envisions several additional parking garages and removal of some surface parking lots, with a net gain in parking spaces. Transportation needs were identified and analyzed in conjunction with the MTPO's update of the Year 2025 Long Range Transportation Plan. The University Context Area (the geographic area for which impacts to public facilities and services are analyzed) has been expanded in the draft Plan. Impacts to public facilities and services need to be addressed in the Campus Master Plan Development Agreement.

Fiscal Note: None.

RECOMMENDATION

The City Commission hear a presentation on the draft University of Florida Comprehensive Master Plan, 2005-2015.

Alternative Recommendation A: The City Commission schedule a special hearing on the University of Florida Comprehensive Master Plan, 2005-2015 at a later date.

050709

Responses to RFP for Supplemental Homeless Shelter and Services (B)

At the November 14, 2005 City Commission meeting, the City Commission directed staff to issue a Request for Proposals (RFP) to solicit proposals from local providers who might be willing to provide additional shelter and services to address the immediate cold weather needs of the homeless. Four responses to the RFP were received on November 30, 2005, and are now presented to the City Commission for its consideration.

Explanation: At the November 14, 2005 City Commission meeting, the City Commission discussed Commissioner Jack Donovan's proposal for specific facilities and services that could be added to those services and facilities that are provided now in Gainesville and Alachua County in order to address the immediate shelter and services needs of persons who are homeless or at risk of becoming homeless over the next 4-6 months. Part of the discussion centered on offers from two private individuals, Mr. Clark Butler and Mr. Jack Smith, who challenged the City and County to match their combined donations of \$210,000 to address the immediate cold weather needs of the homeless. This issue was discussed further at the joint City-County Commission meeting on November 21, 2005, at which time the City Commission asked that the City Manager identify up to \$210,000 to fund the proposals that were received in response to the City's RFP.

The City Commission directed staff to contact existing homeless service providers to find out what more they could do if they had more funding.

The City currently funds a number of homeless facilities and programs. The City Commission has approved \$70,310 in its FY 2005-06 CDBG and HOME budgets to support programs to assist the homeless through Gainesville Community Ministry, Interfaith Hospitality Network, Peaceful Paths and St. Francis House. The City served as the applicant and grantee for \$99,101 provided from HUD Supportive Housing Grant funds for transitional housing and supportive services for mentally ill homeless persons through Meridian Behavioral Healthcare's HOPE Program and for \$106,215 in Supportive Housing Grant funds for transitional housing and support services for homeless veterans through VETSPACE. The City assisted with the Alachua County Coalition for the Homeless and Hungry's application for State Homeless Assistance Challenge Grants that provided \$60,000 for facilities and services at several homeless organizations. The City also participates in joint applications with Alachua County that result in SHIP Special Needs funding for various organizations serving the homeless. In addition, the City Commission has allocated \$5,000 for Sister Hazel's Clinic (medical care assistance) and \$15,000 for homeless youth at The Preserve from the General Fund. Finally, the City Commission set aside \$50,000 in the FY 2005-06 CDBG budget for a yet-to-be-determined capital improvement initiative for the homeless, in anticipation of recommendations from the 10-year Homeless Plan.

Fiscal Note: The City provides funding for current homeless services, facilities and programs as described above and has set aside \$50,000 in additional CDBG funding for a future capital project. The City may wish to fund any additional short-term homeless shelter and services through a partnership of general funds and private funds. The City has received private offers of up to \$210,000 from two potential donors. The City could commit a portion of the approximately \$290,000 available from additional revenues from higher than forecasted property taxes, a portion of the \$137,000 available from the City Commission contingency fund, and/or up to \$54,297 from unreserved, undesignated general fund balance.

RECOMMENDATION

The City Commission receive a report on the responses to the City's RFP for supplemental cold weather shelter and services and take action as deemed appropriate.

Alternative Recommendation A: The City Commission defer action on the RFP responses.

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050743

Additional Legislative Items (B)

RECOMMENDATION

The City Commission approve the additions to the Legislative Priority List.

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GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION AND CULTURAL AFFAIRS COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

040177

Final Report of the Ad Hoc Affordable Housing Committee (B)

The City Commission received the final report of the Ad Hoc Committee on Affordable Housing on June 13, 2005. The City Commission referred the report to the City Manager and the General Manager for Utilities, who were asked to report back to the City Commission with an implementation plan for the Ad Hoc Affordable Housing Committee's recommendations.

Explanation: On October 25, 2004, the City Commission approved the creation of an Ad Hoc Affordable Housing Committee. The committee met over several months to gather information relative to local affordable housing needs and the programs that are currently in place to address those needs. The Ad Hoc Affordable Housing Committee completed its work and presented its final report to the City Commission with recommendations on June 13, 2005. The City Commission then referred the report to the City Manager and General Manager for Utilities for follow-up and staff recommendations on implementation.

General Government and GRU staff have reviewed the Ad Hoc Affordable Housing Committee recommendations and determined what actions have been or can be taken to implement those recommendations. The staff's responses are included in the back-up memorandum.

Fiscal Note: There is no additional financial impact anticipated in order to implement the recommendations at this time.

RECOMMENDATION

The City Commission: 1) receive an update from staff on implementing recommendations from the final report of the Ad Hoc Affordable Housing Committee; and 2) take additional actions as appropriate.

Legislative History

7/19/04	City Commission	Referred (7 - 0)	City Manager
10/25/04	City Commission	Approved as Recommended (7 - 0)	
6/13/05	City Commission	Referred (7 - 0)	City Manager
6/13/05	City Manager	Referred	General Manager for Utilities

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050682**Advisory Board/Committee Appointments of two members to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan (B)**

Explanation: On November 28, 2005, the City Commission continued this item to December 12, 2005.

RECOMMENDATION

The City Commission: 1) make appointments; or 2) re-schedule to the January 9, 2006, meeting with a new deadline date of January 6, 2006, at 4:00 PM.

Legislative History

11/28/05	City Commission	Approved, as shown above - See Motion(s) (7 - 0)
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OUTSIDE AGENCIES050705**Use of UDAG Funds for Depot Park Recreation Development (B)**

This item is a request from the East Gainesville SPROUT Project Task Force to use the City's Urban Development Action Grant proceeds to fund recreation amenities at the proposed Depot Park project. The City receives annual payments for funds that were borrowed against the grant and these proceeds could be a funding source for the amenities.

Explanation: At its August 25, 2005 meeting, the East Gainesville SPROUT Project Task Force requested that staff prepare a request for Urban Development Action Grant (UDAG) funds to the City Commission. The use of the funds would be for planning and constructing recreation elements at the park.

Eligible Uses of UDAG Funds: The July 1989 grant closeout agreement between the City of Gainesville and the U.S. Department of Housing and Urban Development states that any income (i.e. the loan repayments) received after the completion of the original project completion shall be used only for "activities eligible under Title I of the Housing and Community Development Act of 1974, as amended". Title I is the legislation that authorizes the Community Development Block Grant (CDBG) program. Any use of the UDAG repayments must be for an activity that is eligible under the CDBG program. UDAG

funding must aid low to moderate income citizens, assist in the reduction of slum and blight conditions, or address an urgent need, such as a disaster. Public parks and recreation facilities are eligible uses of UDAG funding under the CDBG program. The facilities proposed for Depot Park that are eligible are rail trails, sidewalks, plazas, landscaping, park entrances, fountains, and a children's play area.

Specific Uses of the UDAG Funds at Depot Park: Beginning in 2006, architectural and engineering design services are needed to develop design and technical standards for the park, produce more detailed plans for the park overall (but not construction documents), and produce construction drawings and specifications suitable for bidding for the Depot Park Rail Trail. The estimated cost for these services could reach \$150,000. Beginning in 2008, the funds could be used for constructing the Depot Park Rail Trail including benches, landscaping and other amenities at an estimated cost between \$600,000 to \$700,000.

Park Development Schedule: The remediation and stormwater construction is projected to be concluded by early 2008. The recreation elements could then proceed from that point onward. To meet this schedule, the design services explained above for the recreation elements need to begin in 2006.

Fiscal Note: The projected cumulative total of new UDAG proceeds to be received from 2006 until the end of 2013 is approximately \$1,253,600 (\$156,700 each year for eight years). In addition, the CRA will repay \$300,000 used for streetscaping in the Fifth Avenue Pleasant Street redevelopment district beginning in 10 years. The only funding currently identified for recreation features at Depot Park is a HUD EDI grant in the amount of \$148,800. If the entire UDAG revenue stream (including the CRA repayments) is used for the park as the Task Force requested, the amount allocated would be approximately \$1,553,600.

The Finance Department is looking into whether the UDAG funds could be used for general bonding purposes.

RECOMMENDATION

The City Commission adopt the recommendation of the East Gainesville SPROUT Task Force to allocate the remaining UDAG revenue including proceeds ending in 2013 and the CRA repayments beginning in 10 years for Depot Park recreation facilities.

Alternative Recommendation A: The City Commission allocate UDAG funding to Depot Park in the amount of \$125,000 to cover the estimated funding gap for park design services needed in 2006. The HUD EDI funds, up to \$29,760, can be used to match the UDAG funds to cover the anticipated design fees.

Alternative Recommendation B: The City Commission allocate no UDAG funding to Depot Park and send the recommendation of the East Gainesville SPROUT Task Force to the Capital Improvements Committee for consideration and to consider bonding the UDAG

revenue stream.

Alternative Recommendation C: The City Commission allocate no UDAG funding to Depot Park at this time and take no other action.

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MEMBERS OF THE CITY COMMISSION

050385

Mayor Pegeen Hanrahan - Scheduling and Protocols (B)

RECOMMENDATION

The City Commission discuss meeting scheduling and protocols and approve a master calendar for 2006 at the January 9, 2006, meeting.

Legislative History

9/12/05 City Commission Withdrawn

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050742

Mayor Hanrahan - Employment Contract for the General Manager for Utilities (B)

Explanation: Upon his retirement from the City during the summer of 2004, former City Auditor Alan Ash informed the City Commission that his contract contained a provision allowing for six months' pay upon termination of service, whether that termination was voluntary or involuntary. Upon review it was determined that this same provision was included in the contracts of the City Attorney, the City Clerk and the General Manager for Utilities, but not in the contracts of the City Manager or the Equal Opportunity Director.

Not wishing to receive such a payment upon voluntarily leaving service to the city, Mr. Ash and Mr. Radson requested that this provision be removed from their contracts. This request was approved by the City Commission on July 12, 2004. On July 12, 2004 the City Commission gave direction to have each of the Charter Officers' contracts brought into consistency in this regard, and requested that Mayor Hanrahan negotiate the indicated changes with Mr. Lannon and Mr. Kurtz. Based on successful negotiations, Mr. Lannon's contract was amended by the City Commission on August 8, 2005 to remove this provision and add additional language to bring it into consistency with other considerations granted to the remaining charter officers. Mr. Blackburn's recently-approved contract also reflects this consistency.

Despite several meetings to negotiate a resolution, Mr. Kurtz and Mayor Hanrahan have been unable to come to mutually agreeable terms regarding amending the General Manager's contract to remove the provision to provide six months' salary upon voluntary termination of service to the City. In July

1995 Mr. Bowers first contract did not include severance for voluntary termination. Mr. Kurtz believes that this provision was added to three of the (then) five charter officers' contracts intentionally in approximately 1994, and represents a substantial benefit that should not be removed without just compensation. The language (severance for voluntary termination) was added after a study of charter officer compensation was undertaken by a Consultant and some have suggested that it was intended to allow a charter officer to "leave quietly" without having to be fired in order to obtain severance pay. On September 25, 1995, the City Commission authorized the preparation of standardized contracts, increasing some benefits which were distributed in December, 1995, which document was signed by the City Manager in early January, 1996. About this same time, Mr. Kurtz presented his understanding of the contract terms, including severance for voluntary termination. The standardized contract was amended accordingly and executed by the remaining Charter Officers and Mayor Painter in February, 1996. Despite any past history, Mayor Hanrahan believes the intent of the Commission, based on its action of July 12, 2004, was to have all six charter officers' contracts made consistent with one another. Mayor Hanrahan understood the Commission to express concern that payment of six months' salary upon leaving the city voluntarily is an unusually generous contract provision well beyond consideration given to lower level employees. Given this circumstance, Mayor Hanrahan suggested that Mr. Kurtz seek individual guidance on how to come to resolution from members of the City Commission, but he has not found clear consensus in these one-on-one discussions. The negotiations are at impasse, and further direction from the City Commission is needed to bring the matter to closure.

Fiscal Note: Mr. Kurtz's current salary is \$161,461. Six months' severance pay is worth approximately \$83,330.

RECOMMENDATION

The City Commission hear a report from Mayor Hanrahan and Mr. Kurtz and provide direction regarding how to resolve the contract issues. The Commission may:

1. Leave Mr. Kurtz's contract as it currently stands.
2. Offer Mr. Kurtz an amended contract removing the language regarding severance pay upon voluntary termination to make it consistent with the contracts of other charter officers. Mr. Kurtz's current contract and the subject provision will remain in effect unless a new contract or contract amendment is signed by both parties or one or the other chooses to terminate it.
3. Provide direction on how to negotiate some other consideration within the contract to substitute for the severance package that is mutually agreeable to both Mr. Kurtz and a majority of City Commissioners.

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COMMISSION COMMENTS (if time available)

CITIZEN COMMENT (5:30pm) - Please sign on sign-up sheet

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Civil Air Patrol, USAF Auxiliary

John Samonas, Cadet 1st Lieutenant

PROCLAMATIONS/SPECIAL RECOGNITIONS

050740

Compassionate Outreach Ministries, Inc. 20th Anniversary (B)

RECOMMENDATION

Compassionate Outreach Ministries Pastor Dr. Larry J. Dennison to accept the proclamation.

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PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

050716

ANNEXATION - SANTE FE COMMUNITY COLLEGE AND SURROUNDING AREA (B)

Ordinance No. 0-06-13

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended, 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 generally described as follows: generally located South of State Road 222 (NW 39th Avenue), with an Eastern boundary at the western side of section 33, township 09, range 19 and section 28, township 09, range 19 and the City limits; North of the City Limits and East of Fort Clarke Boulevard and Interstate 75, as more specifically described in this ordinance; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.

Explanation: 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. The ordinance will be submitted to a vote of the registered electors for their approval.

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.

The annexation is effective on June 1, 2006 unless there is a tie vote or majority vote against the annexation. Sections 4, 5 and 6 of the Ordinance provide for the special referendum election which will be held on April 18, 2006.

Sections 7 and 8 of the Ordinance relate to special matters which may be of interest to the owners and residents and those persons engaged in any business or occupation. The Alachua County land use plan and zoning or subdivision regulations will remain in effect until the City adopts a comprehensive plan amendment that includes the annexed area. Those persons engaged in any occupation, business, trade or profession in the area proposed for annexation will have the right to continue their occupations, businesses, trades or professions and shall obtain an occupational license from the City of Gainesville for the term commencing on October 1, 2006. Those persons engaged in the construction industry within the annexation area will be required to register with the City on or before 4:00 p.m. June 1, 2006 in order to maintain their certificate of competency issued by Alachua County.

This ordinance requires two readings. If approved on first reading, the second and final reading will be December 19, 2005.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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050718

BOUNDARY FOR COLLEGE PARK/UNIVERSITY HEIGHTS REDEVELOPMENT AREA AND TRUST FUND (B)

Ordinance 0-06-04

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 2-410.2 by expanding the boundaries of the College Park/University Heights Community Redevelopment Area; amending Section 2-413 relating to the trust fund for the College Park/University Heights 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 of November 28, 2005, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise, an ordinance

expanding the boundaries of the College Park/University Heights Community Redevelopment Area and setting the base taxable value for the expanded area.

If this ordinance passes on first reading, second and final reading will be held on December 19, 2005.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

050242

BUILDING CODE AMENDMENTS (B)

Ordinance No. 0-05-91

An ordinance of the City of Gainesville, Florida, amending section 6-3, City of Gainesville Code of Ordinances; updating section 6-3 by adopting the Administration Chapter of the 2004 Florida Building Code (2004); updating and making conforming changes to the existing local amendments to chapter 1 of the Florida Building Code (2004); relocating the text contained in sections 104.5, 104.5.1, 104.5.1.2, 104.5.1.4, 104.5.1.5, 104.6.2, 104.6.4, and 104.6.5 for conformity with the Florida Building Code (2004); stating factors for issuance of a certificate of occupancy as stated in the Florida Building Code (2004); creating specific time limits for completion of construction for both residential and commercial building permits; repealing obsolete language regarding building valuation data; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission at its meeting of August 8, 2005, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance providing specific time limits for completion of construction for both residential and commercial permits. This change requires a local amendment to Chapter 2, Florida Building Code, which results in an amendment to Section 6-3, City of Gainesville Code of Ordinances.

Subsequent to the August 8, 2005 Commission directive and authorization, the Florida Building Code (2004) took effect (effective October 1, 2005). Therefore, in the ordinance before you section 6-3 of the City of Gainesville Code of Ordinances is updated in its entirety to conform to the Florida Building Code (2004), Conforming changes include relocating several sections of existing chapter 6-3 of the Code. In addition to the establishment of time limits, other changes of substance include repealing obsolete language regarding building valuation data and an update of the information required with the certificate of occupancy.

This ordinance requires two readings. If adopted on first reading, the second and final reading will be held on December 12, 2005.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/8/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)

11/28/05 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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050447

RIGHT-OF-WAY VACATION - BETWEEN S.E. 4TH AVENUE AND S.E. 4TH PLACE (B)

Ordinance No. 0-06-01, Petition 125SVA-05PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a 10-foot wide alleyway generally located east of Southeast 5th Street, west of Sweetwater Branch Creek, and running north and south between Southeast 4th Avenue and Southeast 4th Place; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request by Gainesville Regional Utilities to vacate unused right-of-way for the development of a new technology building. This right-of-way is located east of Southeast 3rd Street and south of Southeast 4th Avenue, running north and south between Southeast 4th Avenue and Southeast 4th Place. The 10-foot wide alley to be vacated is undeveloped. Upon vacation of the right-of-way, the City would retain the area to allow for the possibility of future development. The right-of-way is a "paper street," that consists of grass and some trees. The street provides no public access and would best be used for some type of future development.

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

Public notice was published in the Gainesville Sun on August 30, 2005 and September 25, 2005. Letters were mailed to surrounding property owners on August 31, 2005 and September 23, 2005. The Plan Board held a public hearing September 15, 2005. The City Commission will hold a public hearing October 10, 2005.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of October 10, 2005, authorized the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance to vacate the alleyway.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/10/05 City Commission Approved (Petition) (6 - 0 - 1 Absent)

11/28/05 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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050528**URBAN SERVICES REPORT - CCGH SOUTH, INC. (B)****Ordinance No. 0-06-03**

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06706-025-000 through 06706-030-000 and 06706-035-000 through 06706-040-000, generally located south of SW 17th Avenue, west of the vicinity of SW 34th Street and the City limits, north of SW 17th Place and east of Tax Parcel 06724-000-000; 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 Acts 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 is 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 December 12, 2005. 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

10/24/05 City Commission Approved as Recommended (7 - 0)

11/28/05 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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050567

ORGANIZATIONAL STRUCTURE OF GENERAL GOVERNMENT (B)

Ordinance No. 0-06-08

An ordinance of the City of Gainesville, Florida, amending Chapter 2 of the Code of Ordinances of the City of Gainesville by creating Section 2-196, designating Directors of Departments; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date and limited prospective application.

Explanation: The City Commission at its meeting on November 14, 2005, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance designating certain job titles as Directors of Departments.

If this ordinance passes on first reading, second and final reading will be held on December 12, 2005.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/14/05 City Commission Approved as Recommended (7 - 0)

11/28/05 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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050595**PENSION PLANS - DIRECT ROLLOVERS TO IRA'S (B)****Ordinance 0-06-05**

An Ordinance of the City of Gainesville, Florida, amending Chapter 2 of the Code of Ordinances of the City of Gainesville relating to the City of Gainesville Employees Pension Plan and the Consolidated Police Officers and Firefighters Retirement Plan regarding distributions to individual retirement accounts under certain circumstances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting of November 14, 2005, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise, an ordinance relating to direct rollovers to IRA accounts under certain circumstances.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/14/05 City Commission Approved as Recommended (7 - 0)

11/28/05 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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050662**VOLUNTARY ANNEXATION - KING (B)****Ordinance No. 0-06-02**

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 comprised of Tax Parcel 06714-000-000, located generally south of the city limits, west of SW 34th Street and the city limits, north of the vicinity of SW 20th Avenue and east of Tax Parcel 06724-000-000; 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, August 22, 2005, 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 September 12, 2005 and September 26, 2005, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

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

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

If adopted on first reading, the second and final reading of this ordinance will be December 12, 2005. 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

11/28/05 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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050699

VOLUNTARY ANNEXATION - BEVILLE (B)

Ordinance No. 0-05-99

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 comprised of Tax Parcels 06706-001-000 through 06706-018-000, 06706-031-000 through 06706-034-000, and a portion of 06715-000-000, located generally south of the city limits, west of SW 34th Street and the city limits, north of the vicinity of SW 20th Avenue and east of Tax Parcel 06724-000-000; 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, August 22, 2005, 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 September 12, 2005 and September 26, 2005, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

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

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

If adopted on first reading, the second and final reading of this ordinance will be December 12, 2005. 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

11/28/05 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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050667

OCCUPATIONAL LICENSE TAX EXEMPTION FOR AN ADDITIONAL TEN YEARS WITHIN THE GAINESVILLE ENTERPRISE ZONE (B)

Ordinance No. 0-06-09

An ordinance of the City of Gainesville amending section 25-50.1 of the Gainesville Code of Ordinances related to the enterprise zone by extending the 50% occupational license tax exemption for an additional ten years; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On November 14, 2005, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance amending

Section 25-50.1 related to the enterprise zone by extending th 50% occupational license tax exemption for an additional ten years ending January 1, 2016.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/28/05 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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050668

MUNICIPAL TAX ON ELECTRIC ENERGY USED BY QUALIFIED BUSINESSES WITHIN THE GAINESVILLE ENTERPRISE ZONE (B)

Ordinance No. 0-06-10

An ordinance of the City of Gainesville amending Article II, Section 25-18 of the Gainesville Code of Ordinances related to Public Service Tax by extending the exemption on 50% of the municipal tax on electric energy used by qualified businesses in the enterprise zone for an additional ten years: providing directions to the codifier; providing a severability clause; providing directions to the City Manager or designee; providing a repealing clause; and providing an effective date.

Explanation: On November 14, 2005, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance related to Public Service Tax by extending the exemption on 50% of the municipal tax on electric energy used by qualified businesses in the enterprise zone for an additional ten years that will expire on December 31, 2015.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/28/05 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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050669

BUILDING PERMIT FEES AND DEVELOPMENT FEES FOR BUSINESSES WITHIN THE GAINESVILLE ENTERPRISE ZONE (B)

Ordinance No. 0-06-11

An ordinance of the City of Gainesville amending Appendix A, Schedule of Fees, Rates and Charges, of the Gainesville Code of Ordinances to extend the 50% reduction in building permit fees and development fees for those businesses within the Gainesville Enterprise Zone; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date

Explanation: On November 14, 2005, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance amending Appendix A, Schedule of Fees, Rates and Charges to extend the 50% reduction

in building permit fees and development fees for those businesses within the Gainesville Enterprise Zone.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/28/05 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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RESOLUTIONS- ROLL CALL REQUIRED

050495 TOWING FEES (B)

A resolution of the City Commission of the City of Gainesville, Florida, amending and establishing maximum trespass towing fees in accordance with section 14.5-27 of the Code of Ordinances of the City of Gainesville, Florida; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission received a request from the Public Safety Committee to increase the maximum roam towing fees from \$76.00 to \$84.00 and take necessary action to set the maximum fees by resolution of the City Commission prior to December 31, 2005.

The Code of Ordinances of the City of Gainesville provides that maximum trespass towing fees shall be established annually by the City Commission after receiving a request for fee modification by the towing companies.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

Legislative History

10/10/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)

10/10/05 City Commission Referred Public Safety Committee

10/20/05 Public Safety Discussed
Committee

11/14/05 City Commission Continued (7 - 0)

11/17/05 Public Safety Discussed
Committee

11/28/05 City Commission Approved, as shown above - See Motion(s)

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050704

Parking Rates for the Southwest Parking Garage (B)

A Resolution of the City Commission of the City of Gainesville, Florida, amending and establishing a group rate for the parking garage in accordance with Chapter 26, Division 2 of the Code of Ordinances of the City of Gainesville, Florida; directing the City Manager to establish groups rates; providing a repealing clause; and providing an effective date.

Explanation: On November 22, 2004 the City Commission approved a Resolution establishing the maximum rates for Contract Parking at:

- One month\$ 40.00*
- Three (3) months advance purchase\$114.00*
- Six (6) months advance purchase\$216.00*
- Twelve (12) months advance purchase\$420.00*

Access cards for contract parking allow unlimited access to the garage (24 hours/7 days per week) including access during special events.

Since the parking garage opened in January 2005 the number of monthly contract parkers has been very limited, the highest number being 17 for the month of September 2005. Staff has had discussions with some of the larger downtown area employers about the possibility of promoting the use of the parking garage for their employees as groups. Staff believes that the flexibility of allowing group rates for employers would attract more monthly parkers. In return for a group rate of \$25 for groups of 25 or more, the parking hours would be limited to 7 am to 7 pm Monday through Friday.

Fiscal Note: Providing a group rate for the parking garage would promote daytime parking and provide additional revenue to the garage. There should be no additional expenditures associated with this approach.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

*Alternative Recommendation A:
The City Commission adopt an amended Resolution authorizing a group rate of \$25 for groups of 25 or more. This would provide \$125 less revenue per month for each 25 parkers.*

*Alternative Recommendation B:
The City Commission take no action on the proposed Resolution.*

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050706

Regional Transit System FY 2006 Program of Projects (POP) and FY 2003-2004 Performance Measures (B)

This item involves a request for the City Commission to approve a Resolution authorizing the filing of an application with the Federal Transit

Administration (FTA) and Florida Department of Transportation (FDOT)**RECOMMENDATION**

The City Commission: 1) approve the Program of Projects for FY 2006; 2) approve the Resolution authorizing the filing of an application with the Department of Transportation; and 3) authorize the Mayor and Clerk of the Commission to execute the Resolution.

Alternative Recommendation A: The City Commission deny adoption of the Resolution, resulting in the City of Gainesville Regional Transit System becoming ineligible for State and Federal funding. The fiscal impact of this alternative recommendation is a loss of Federal Transit Administration funding.

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050712**2005 Interest Rate Swap (B)**

A Resolution of the City of Gainesville, Florida, approving the form and authorizing the execution and delivery of a confirmation with Citibank, N.A., New York pertaining to an interest rate swap transaction relating to taxable bonds issued by the City under Resolution No. 020918, as supplemented and amended; delegating to the City Manager, the Administrative Services Director or the Finance Director of the City the authority to execute and deliver such confirmation and related documents on behalf of the City under certain delegation parameters; providing certain other details in connection with such transaction; providing an effective date.

Explanation: In March of 2003 the City issued the Series 2003A & B Taxable Pension Obligation Bonds in the combined amount of approximately \$89,895,000. The proceeds of the issue were deposited into the City's defined benefit pension plans to discharge the Unfunded Actuarial Accrued Liabilities (UAAL) in each plan. The 5.61% true interest cost on the bonds was significantly lower than the interest rate of 9.25% for the General Employees' Pension Plan and 8.5% for the Consolidated Police Officers' and Firefighters' Pension Plan previously carried on the plans' respective UAAL. The debt issuance is projected to generate gross savings of approximately \$78 million dollars and present value savings of approximately \$34 million dollars over the life of the issue.

Additionally, in July of 2005 the City issued \$35,210,000 in Series 2005 Taxable Other Post Employment Benefit bonds. The proceeds of this issue were deposited into the Retiree Health Insurance Fund to take out the UAAL in the Retiree Health Insurance Plan; the 4.87% true interest cost on the bonds, when compared with the 9% interest rate carried on the Retiree Health Plan UAAL, is projected to produce a gross savings of approximately \$7 million dollars over the next ten years and approximately \$5.5 million in net present value savings.

The debt proceeds on these issues were invested in the same manner as all other pension plan and retiree health fund assets. The current asset allocation in each plan is approximately 70% equities and 30% fixed income instruments. One of the potential risks associated with taxable bond issues of this type is that the investment earnings on the bond proceeds will be generated at rates lower than the interest rate paid on the debt. While on an overall blended basis, staff is confident that the earnings rate on the proceeds will continue to exceed the interest rates on the debt going forward, this risk is highest on the 30% portion of the proceeds invested in fixed income instruments.

Market conditions currently provide the opportunity to hedge or mitigate this risk by implementing a fixed-to-floating interest rate swap agreement. Under the provisions of a swap agreement the City would enter into a contract with a counterparty to swap out a variable interest rate payment to the counterparty in exchange for receiving a fixed interest rate payment over the life of the proposed swap agreement. The City entered into such an agreement in July of 2004 on the Taxable Pension Obligation Bonds, and subsequently terminated the swap in September of 2004 in exchange for receipt of a termination payment of approximately \$950,000. The City Commission granted staff the authority to negotiate to initiate another such swap in April of 2005. This authority expired on September 30, by which time rates had not moved to the point where it was beneficial for the City to exercise this authority. The proposed resolution would once again provide staff the option to negotiate this swap agreement.

Fiscal Note: Creation of this synthetic variable rate debt is designed to provide for 1) generation of interest savings over the current 100% fixed rate structure that currently exists on the pension obligation bonds and 2) a better matching of interest earnings on the bond proceeds deposited in the pension funds with interest expense associated with the Series 2003 bonds. In rising interest rate environments, the increased expense associated with the rising variable rate payment on the swap should be offset by increased interest earnings on the proceeds. In a declining interest rate environment, the reduced interest earnings on the proceeds should be mitigated by the net positive cash flow that results from the lower variable rate payment on the swap. The net result is more stable and predictable net cash flows.

RECOMMENDATION

The City Commission adopt the Resolution authorizing the execution and delivery of a master agreement, schedule, credit support annex, and confirmation with Citibank, N.A., New York, and delegating to the City Manager, Administrative Services Director or Finance Director the authority to execute and deliver such documents.

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050726

Property Exchange with the State of Florida, Department of Transportation and Corresponding Resolution (B)

Staff is requesting approval of a property exchange with the State of Florida, Department of Transportation.

Explanation: In December 2002, the City purchased a 1123 acre tract of land for a buffer and future development located to the north of the GRU Deerhaven Power Plant facility. A 10 acre piece of property owned by the State of Florida, Department of Transportation (FDOT) exists within the boundaries of the buffer property purchased by the City. In order to unify the site ownership and to satisfy the future FDOT needs, staff has negotiated an even exchange of the 10 acre FDOT site with a site located on the western side of the Deerhaven Power Plant facility and west of the Alachua County Public Works compound. FDOT will grant the City a Quit Claim Deed for their 10 acre parcel in exchange for the City's 10 acre parcel to be conveyed to FDOT via a City Deed. FDOT does not require an appraisal as this transaction is an even exchange of property and is deemed to be for public purpose. The adoption of a resolution requesting FDOT to convey their 10 acre parcel to the City and declaring the property will be used for a public purpose is required by FDOT.

Fiscal Note: There is no cost to the City for this property exchange other than closing costs and those funds are available in the Energy Supply Capital Budget.

RECOMMENDATION

The City Commission: 1) approve the exchange of property with the State of Florida at no cost to the City other than closing costs, as negotiated by staff; and 2) adopt a resolution, subject to approval by the City Attorney as to form and legality, requesting the State of Florida Department of Transportation to convey property to the City of Gainesville; and 3) authorize the Mayor and Clerk of the Commission to execute the City Deed to the State of Florida, substantially in the form on file, subject to approval by the City Attorney as to form and legality; and 4) authorize the General Manager or his designee to execute any documents necessary to complete the closing, subject to the approval of the City Attorney as to form and legality.

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PLAN BOARD PETITIONS

050253

Change Alachua County Comprehensive Plan Commercial Land Use designation to City of Gainesville PUD (Planned Use District) on recently annexed property. (B)

Petition No. 110LUC-05 PB, Causseaux & Ellington, Inc., Agent for Phil and Janice Hawley, to amend the City of Gainesville Future Land Use Map to change the Alachua County Comprehensive Plan Commercial land use designation to City of Gainesville PUD (Planned Use District). Located at 4405 Northwest 39th Avenue. Related to Petition 111PDV-05PB.

Explanation: This petition is a request by the property owner to change the Alachua County Commercial Land Use designation for the property to the City of Gainesville Planned Use District designation to allow commercial development. Without

the petitioner's request for Planned Use District, staff would have recommended Office land use for the property, based on the surrounding land uses and existing conditions.

The property is an undeveloped 1.26-acre parcel located along the south side of Northwest 39th Avenue, west of Northwest 43rd Street, adjacent to a bank. It is the only undeveloped parcel within the block and is within 200 feet of the intersection of two major roadway corridors, Northwest 39th Avenue and Northwest 43rd Street. The four corners of that intersection are developed as follows:

- 1. Northwest Corner - Multi-family Residential (Alachua County)*
- 2. Northeast Corner - A low activity family medical emergency center (Office Land Use)*
- 3. Southeast Corner - A financial institution and offices (Office Land Use)*
- 4. Southwest Corner - A financial institution and offices (Office Land Use)*

This northwest quadrant of the City has been planned with three mixed-use centers to serve both employment and residential uses: the Millhopper Village/Thornebrook Activity Center, Magnolia Park Mixed-Use Center and the Hunter's Crossing Activity Center. Some limited complementary commercial uses may be appropriate in this area.

The Planned Use District (PUD) category was created to allow the consideration of unique, innovative or narrowly constructed land use proposals that, because of the specificity of land use regulations, can be found to be compatible with the character of the surrounding area. Each PUD overlay land use designation shall address density and intensity, permitted uses, access by car, foot, bicycle, and transit, trip generation and trip capture, environmental features, and when necessary, buffering of adjacent uses.

The City Plan Board heard the petition and recommended that it be approved, based upon the findings of fact of compatibility of the land use and zoning with surrounding uses.

Public notice was published in the Gainesville Sun on November 1, 2005. Letters were mailed to surrounding property owners on November 2, 2005. The Plan Board held a public hearing November 17, 2005.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 110LUC-05 PB. Plan Board vote 5-1.

Alternative Recommendation A: The City Commission approve Petition 110LUC-05 PB with a Land Use Classification of Office only.

Alternative Recommendation B: The City Commission deny Petition 110LUC-05 PB.

Staff to Plan Board - Approve, with conditions.

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050254

Rezone property from Alachua County BP (Business Professional) to City of Gainesville PD (Planned Development). (B)

Petition 111PDV-05 PB (Quasi-Judicial) Causseaux & Ellington, Inc., agent for Phil and Janice Hawley. Rezone property from Alachua County BP (Business Professional) to City of Gainesville PD (Planned Development) to allow commercial/office development. Located at 4405 Northwest 39th Avenue. Related to Petition 110LUC-05 PB.

Explanation: This petition is a request to allow commercial development on an undeveloped parcel located along the south side of Northwest 39th Avenue, west of Northwest 43rd Street. The parcel was recently annexed into the City and is the only undeveloped parcel within the block and is adjacent to a bank, at the intersection of Northwest 39th Avenue and Northwest 43rd Street. Without the petitioner's request for Planned Development overlay zoning, staff would have recommended OF (General Office) zoning for the property, based on the surrounding land uses and existing conditions.

The property is an undeveloped 1.26-acre parcel located within 200 feet of the intersection of two major roadway corridors, Northwest 39th Avenue and Northwest 43rd Street. The four corners of that intersection are developed as follows:

- 1. Northwest Corner - Multi-family Residential (Alachua County)*
- 2. Northeast Corner - A low activity family medical emergency center (Office)*
- 3. Southeast Corner - A financial institution and offices (PD/Office)*
- 4. Southwest Corner - A financial institution and offices (Office)*

The general area located south and west of Northwest 39th Avenue and Northwest 43rd Street is comprised of offices and residential development. Being in the same general area, it is expected that the subject property should reflect a similar and consistent pattern of development. Given the character of the area, an intense commercial use would be out of character. This northwest quadrant of the City has been planned with three mixed-use centers to serve both employment and residential uses: the Millhopper Village/Thornebrook Activity Center, Magnolia Park Mixed-Use Center and the Hunter's Crossing Activity Center. Some complimentary commercial uses may be appropriate in this area.

The Plan Board heard the petition and recommended that it be approved, with staff conditions as modified by the City Plan Board.

Public notice was published in the Gainesville Sun on November 1, 2005.

Letters were mailed to surrounding property owners on November 2, 2005. The Plan Board held a public hearing November 17, 2005.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 111PDV-05 PB, with staff conditions, as modified by the City Plan Board. Plan Board vote 5-0.

Alternative Recommendation A: The City Commission approve Petition 111PDV-05 PB, with office uses as permitted in the OF Zoning District.

Alternative Recommendation B: The City Commission deny Petition 111PDV-05 PB.

Staff to Plan Board - Approve, with staff conditions.

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050486

Amend the City of Gainesville Future Land Use Map from CON (Conservation) to PUD (Planned Use District). (B)

Petition 136LUC-05PB, Brown & Cullen, Inc., agent for Michael E. Warren. Amend the City of Gainesville Future Land Use Map from CON (Conservation) to PUD (Planned Use District). Located in the 6600 Block of Northwest 23rd Terrace (Southwest corner of US 441 and Northwest 23rd Terrace.) Related to Petition 128ZON-05PB.

Explanation: The subject property is approximately 5.28 acres in size. It is presently undeveloped and covered with vegetation consisting primarily of pine trees. Northwest 23rd Terrace abuts the subject property on the north. A stormwater management facility associated with the Northwood Village Shopping Center abuts on the south. Northwest 13th Street (US 441) abuts on the east. The Hampton Court Apartments multiple-family residential development abuts on the west.

The Future Land Use Map of the City of Gainesville, 2000-2010 Comprehensive Plan, shows PUD (Planned Use District) and RM (Residential Medium Density: 8-30 units per acre) land use classifications north of the subject property across Northwest 23rd Terrace. The MU-M (Mixed Use Medium Intensity: 14-30 units per acre) land use classification is applied to property abutting on the south. East of the subject property across Northwest 13th Street is an IND (Industrial) land use classification. The RM (Residential Medium Density: 8-30 units per acre) land use classification is applied to the property abutting on the west, as well.

The subject property is located within the Tertiary Zone of the Murphree Wellfield District. Gainesville Regional Utilities (GRU) and the Alachua County Environmental Protection Department (ACEPD) have approved the applicant's Wellfield Exemption request subject to their review and approval of associated development plans, and the condition that individual tenants must comply with the City's wellfield regulations. The subject property is not located within the City's Transportation Concurrency Exception Area (TCEA).

The proposed development involves the phased construction of commercial buildings for a variety of uses allowed in BUS (General business district), excluding adult entertainment establishments. Architectural guidelines are proposed that require buildings to be oriented towards the street. A driveway connection is proposed on Northwest 23rd Terrace and Northwest 13th Street (US 441). No driveway connection is possible between the subject property and Northwood Village Shopping Center due to an existing stormwater management facility. Off-street parking, landscaping and stormwater management facilities are also proposed.

The City Plan Board considered the above-referenced petition, at a public hearing held October 20, 2005. By a vote of 4-0, the City Plan Board approved Petition 136LUC-05PB with staff conditions and amending Condition 3 of the Planning Division staff report to state that outdoor storage will be permitted by Special Use Permit in accordance with Section 30-67 of the Land Development Code.

Public notice was published in the Gainesville Sun on October 4, 2005. Letters were mailed to surrounding property owners on October 5, 2005. The Plan Board held a public hearing October 20, 2005.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 136LUC-05PB with staff conditions and amending Condition 3 of the Planning Division staff report to state that outdoor storage will be permitted by Special Use Permit in accordance with Section 30-67 of the Land Development Code.

Alternative Recommendation A: Approve Petition 136LUC-05PB with staff conditions, as amended by the City Plan Board.

Alternative Recommendation B: Approve Petition 136LUC-05PB with staff conditions.

Staff to City Plan Board - Approve Petition 136LUC-05PB with staff conditions.

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050487**Rezone property from CON (Conservation district) to PD (Planned Development). (B)**

Petition 128ZON-05PB. (Quasi-Judicial) Brown & Cullen, Inc., agent for Michael E. Warren. Rezone property from CON (Conservation district) to PD (Planned Development) for the construction of a commercial center. Located in the 6600 block of Northwest 23rd Terrace (Southwest corner of US 441 and Northwest 23rd Terrace.) Related to Petition 136LUC-05PB.

Explanation: The subject property is approximately 5.28 acres in size. It is presently undeveloped and covered with vegetation consisting primarily of pine trees. Northwest 23rd Terrace abuts the subject property on the north. A stormwater management facility associated with the Northwood Village Shopping Center abuts on the south. Northwest 13th Street (US 441) abuts on the east. The Hampton Court Apartments multiple-family residential development abuts on the west.

Across Northwest 23rd Terrace is vacant property zoned PD (Planned development district), and the North Pointe Villas multiple-family development zoned RMF-7 (Multiple-family medium density residential district: 8-21 du/acre). Northwood Village Shopping Center, which is zoned MU-2 (Mixed use medium intensity district), abuts on the south. Across Northwest 13th Street are properties zoned I-1 (Limited industrial district) and I-2 (General industrial district). The Hampton Court Apartments, which is zoned RMF-7 (Multiple-family medium density residential district: 8-21 du/acre), abuts the subject property on the west.

The subject property is located within the Tertiary Zone of the Murphree Wellfield District. Gainesville Regional Utilities (GRU) and the Alachua County Environmental Protection Department (ACEPD) have approved the applicant's Wellfield Exemption request subject to their review and approval of associated development plans, and the condition that individual tenants must comply with the City's wellfield regulations. The subject property is not located within the City's Transportation Concurrency Exception Area (TCEA).

The proposed development involves the phased construction of 1 to 2-story commercial buildings for a variety of uses allowed in BUS (General business district), excluding adult entertainment establishments. Architectural guidelines are proposed that require buildings to be oriented towards the street. A driveway connection is proposed on Northwest 23rd Terrace and Northwest 13th Street (US 441). No driveway connection is possible between the subject property and Northwood Village Shopping Center due to an existing stormwater management facility. Off-street parking, landscaping and stormwater management facilities are also proposed.

The applicant has requested that the subject property be rezoned to PD because the permitted uses and dimensional requirements in the CON zoning district are not conducive to constructing a commercial center. The CON zoning was applied to the subject property only because the ordinance that implemented the

previous PD zoning classification became invalid. This zoning classification was not applied based upon findings that indicated the subject property was "environmentally significant land," which is used in Section 30-73 of the City Land Development Code to describe land for which this zoning classification is truly intended.

According to the applicant, the PD (Planned Development District) zoning classification will better facilitate the construction of the commercial center by allowing special dimensional requirements to address the small size of the subject property. The applicant also believes that the PD zoning classification will facilitate the construction of a pedestrian-scaled development featuring sidewalk connections, buildings that face the street; street-side glazing and other features without being impeded by dimensional requirements typically found in other zoning districts.

The City Plan Board considered the above-referenced petition, at a public hearing held October 20, 2005. By a vote of 4-0, the City Plan Board approved Petition I28ZON-05PB with staff conditions and: 1. Modifying Condition 2 to state that outdoor storage will be permitted by a Special Use Permit in accordance with Section 30-67 of the Land Development Code; 2. Modifying Condition 5 to remove "TCEA (" and "Exception Area"); 3. Adding a condition that a maximum of 25 percent of the linear frontage on US 441 may consist of parking that is not within 100 feet of the roadway; and 4. Adding a condition that the final development plan return to the Plan Board rather than the Development Review Board.

Public notice was published in the Gainesville Sun on October 4, 2005. Letters were mailed to surrounding property owners on October 5, 2005. The Plan Board held a public hearing October 20, 2005.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission -The City Commission approve Petition I28ZON-05PB with staff conditions and: 1. Modifying Condition 2 to state that outdoor storage will be permitted by Special Use Permit in accordance with Section 30-67 of the Land Development Code; 2. Modifying Condition 5 to remove "TCEA (" and "Exception Area"); 3. Adding a condition that a maximum of 25 percent of the linear frontage on US 441 may consist of parking that is not within 100 feet of the roadway; and 4. Adding a condition that the final development plan return to the Plan Board rather than the Development Review Board.

Alternative Recommendation A: Approve Petition I28ZON-05PB with staff conditions, as modified by the City Plan Board.

Alternative Recommendation B: Approve Petition

128ZON-05PB with staff conditions.

Staff to City Plan Board - Approve Petition 128ZON-05PB with staff conditions.

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050580

Vacate, Abandon and Close Street. (B)

Petition 124SVA-05 PB (Quasi-Judicial) Hughes, Inc. Pursuant to Section 30-192(b) of the Gainesville Land Development Code, the petitioner has requested the City to vacate, abandon and close Northeast 23rd Place east of Northeast 5th Terrace to the east right-of-way line of Northeast 6th Street; and that portion of Northeast 6th Street, 50 feet north of the north right-of-way line of Northeast 23rd Place.

Explanation: The purpose of this request is to vacate a portion of right-of-way located north of the intersection of Northeast 23rd Avenue and Northeast 5th Terrace. A portion of Northeast 23rd Place would be vacated starting at the east right-of-way line of Northeast 5th Terrace and extending east to the east right-of-way line of Northeast 6th Street. A portion of Northeast 6th Street would also be vacated, starting at the north right-of-way line of Northeast 23rd Place and running north approximately 50 feet to the north property line of 2303 Northeast 6th Street. Both portions of right-of-way to be vacated are 50-foot wide. The section of Northeast 23rd Place is paved, while the Northeast 6th Street portion is unpaved. Upon vacation of the right-of-way, the land would revert back to the surrounding property from which the right-of-way was created. The right-of-way currently provides legal access, although no physical access exists except for access to the rear loading area and as an internal driveway to Hughes Supply, Inc., which owns the land surrounding most of the subject right-of-way.

A review of the layout for the area indicated that vacating the public right-of-way would eliminate access to a parcel of land not owned by the applicant. City staff had recommended that this property owner sign the application to vacate right-of-way so that all of the Northeast 6th Street right-of-way could be vacated up to the point of a previous street vacation (see attached map). That signature was never secured, so this proposal only involves vacating the right-of-way up to the property line owned by the petitioner. This would create a landlocked portion of right-of-way, as well as a landlocked parcel of land that is approximately 2.8 acres in size.

The adjacent property owner did not sign the application for vacation of right-of-way. As a result, this petition would leave a portion of leftover right-of-way adjacent to this property owner, creating a landlocked parcel of land. Both the Fire Department and the Public Works Department recommend

denial because of the creation of a land-locked portion of right-of-way and emergency vehicle turnaround issues. This street vacation would foreclose a reasonably foreseeable transportation corridor in the area, making it inconsistent with Concurrency Management Policy 1.2.1 of the Comprehensive Plan. As a result, staff recommends denial of Petition 124SVA-05PB.

The Plan Board heard the petition and after discussion, voted 4-2 to recommend that the City Commission approve the request for a street vacation, with staff conditions.

Public notice was published in the Gainesville Sun on November 1, 2005. Letters were mailed to surrounding property owners on November 2, 2005. The Plan Board held a public hearing November 17, 2005.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 124SVA-05 PB, with staff conditions. Plan Board vote 4-2.

Staff to City Commission: The City Commission deny Petition 124SVA-05 PB based on staff comments.

Alternative Recommendation A: The City Commission approve Petition 124SVA-05 PB, with staff conditions, including a referral from the City Commission to initiate a street vacation petition to vacate the remaining portion of the right-of-way of N.E. 6th Street.

Staff to Plan Board - Deny Petition 124SVA-05 PB.

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

050679

Advisory Board/Committee Appointments of Lauren W. McDonell, Matthew A. Cole and Jon Reiskind to the City Plan Board. (B)

RECOMMENDATION

The City Commission appoint Lauren W. McDonell for a vacancy to expire November 1, 2007, and reappoint Matthew A. Cole and Jon Reiskind for terms to expire November 1, 2008 on the City Plan Board.

Commissioner Braddy: Cole, Varnes and Walls

Commissioner Bryant: Cole, Reiskind and Varnes

Commissioner Chestnut: McDonell, Reiskind and Varnes

Commissioner Donovan: McDonell, Reiskind and

Walls

Commissioner Lowe: Cole, McDonell, and Reiskind

Commissioner Nielsen: Cole, McDonell, and Reiskind

Mayor Hanrahan: Cole, McDonell, and Reiskind

Legislative History

11/28/05 City Commission Continued (7 - 0)

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050196

Request for Exchange of Property between the City of Gainesville and the State of Florida Division of Forestry (B)

This item is a request for the City Commission to approve a land exchange involving a portion of City-owned property on Williston Road (Wacahoota Property) for a State of Florida-owned office, maintenance facility, and the 5-acre Smokey Bear Park on NE 23rd Avenue in Gainesville. This exchange will provide the City with the ability to obtain an additional maintenance facility and office space within the City limits as well as insure that Smokey Bear Park remains available to the citizens of Gainesville.

Explanation: On August 22, 2005, the City Commission heard a presentation on the Request for Exchange of Property between the City of Gainesville and the State of Florida Division of Forestry (DOF). This item had been reviewed and referred to the City Commission by the Recreation & Cultural Affairs Committee.

As a result of Commission discussion, Staff was directed to bring back additional information regarding the following: 1) the amount of land to be transferred to the DOF under this agreement; 2) the location of the DOF facility on that land; 3) options for conservation easements, deed restrictions or other enforceable protections on the property; and 4) a process for Alachua County Forever to have an opportunity to express their interest in the property and to evaluate the property.

In response, staff provides the following information:

1) An appraisal of the two properties indicated that 50 acres of land at the Wacahoota site equals the value of the DOF facility and Smokey Bear Park located at NE 23rd Avenue and NE 15th Street in Gainesville. The appraisal valued the Wacahoota site at \$8,980/acre or \$449,000 and the Division of Forestry property at \$449,000.

2) The proposed site, to be used by DOF for the Waccasassa Forestry Center office for forest fire control and related purposes, is to be located on the proposed 50-acre exchange parcel. The office location was chosen after an environmental assessment of the Wacahoota property was conducted by Alachua County Forever staff, a DOF biologist and the City's Nature Operations staff. Additionally, there was discussion by the Alachua County Land Conservation Board concerning the importance of protecting a wildlife corridor connection that is located on the Wacahoota site and connects with Paynes Prairie, which is located across Williston Road from the Wacahoota

property.

3) *An Intergovernmental Management Agreement has been developed that recognizes the value of the 40-acre parcel and the importance of close cooperation and mutual support and enjoyment of the property for the citizens of the City of Gainesville and Alachua County. The Intergovernmental Agreement includes certain restrictions relating to the location of the proposed DOF Center offices, caretaker residence and public parking and requires DOF assistance with the restoration and maintenance of the property, and requires the development of a Master Plan that must be approved by the City Commission. Further, a Conditional Option Agreement has been agreed to by DOF would give the City the first right of refusal to purchase the Wacahoota property (conveyed to DOF under this exchange) if the state should ever decide they no longer need the 40-acre portion to remain in conservation and wish to surplus that land .*

4) *Alachua County Forever staff conducted an environmental assessment of the Wacahoota property and presented the report to the Land Conservation Board on September 22, 2005. The Land Conservation Board expressed their interest in protecting the Wacahoota property and voted to place the City-owned Wacahoota property on the eligibility list for potential acquisition by Alachua County Forever.*

The current DOF office and maintenance facility property in Gainesville, which is part of the land exchange, includes some environmental contamination and is in a Florida Department of Environmental Protection Remediation and Mitigation Program. The groundwater contamination is currently being cleaned up by the State. Once cleaned, the site will undergo post-monitoring by the State. All costs associated with the current remediation and all post-monitoring shall be funded by the Department of Agriculture and Community Services/Division of Forestry.

Fiscal Note: Additional funding in the amount of \$35,000 for one time costs associated with the planned relocating of the Department of Parks, Recreation and Cultural Affairs Administrative Offices as well as the Nature Division's maintenance staff and equipment to the current DOF offices located on NE 15th Street and NE 23rd Ave; and \$10,500 in reoccurring annual costs will need to be budgeted in the City's Annual operating budget for FY07/08 for ongoing computer and telephone network service.

RECOMMENDATION

Recommended Motion: The City Commission direct staff to proceed with the requested property exchanges with Division of Forestry and authorize the City Manager or designee to execute all necessary exchange documents subject to review by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission authorize the property exchange of 50 acres to Division of Forestry and in addition, authorize staff to work with ACF for their purchase of a portion or all of the remaining 144.20 acres of the Wacahoota site to

ensure its continued use as conservation. This would result in a one-time revenue source to the City.

Alternative Recommendation B: The City Commission not authorize the property exchange and direct staff to work with Alachua County Forever to purchase all or a portion of the Wacahoota Property from the City. This would result in a one-time revenue source to the City. This funding could be used to purchase the DOF Office site and Smokey Bear Park.

Alternative Recommendation C: The City Commission not authorize the property exchange and direct staff to re-zone the Wacahoota property (which is currently zoned "agriculture" and "Institutional") as "conservation" land and direct staff to manage the property as a conservation/nature park.

Legislative History

- 7/25/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)
- 7/25/05 City Commission Approved as Recreation and Cultural Recommended and Affairs Committee Referred
- 8/4/05 Recreation and Cultural Affairs Committee Heard
- 8/22/05 City Commission Referred (6 - 0 - 1 Absent) City Manager

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UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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