

# **City of Gainesville**

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



## **Meeting Agenda**

**November 08, 2004**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

***Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Tony Domenech (District 3)  
Commissioner Warren Nielsen (At Large)  
Commissioner Rick Bryant (At Large)  
Commissioner Chuck Chestnut (District 1)  
Commissioner Ed Braddy (District 2)  
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 - 1:05 PM

## AGENDA STATEMENT

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

### **Rabbi Michael Joseph, Temple Shir Salom**

*13230 SW 3rd Lane, Newberry, FL 32669*

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### **040470 Memorandum of Understanding with Alachua County for Solid Waste Services (B)**

*Explanation: On September 27, 2004, the City Commission authorized the City Manager to execute the First Amendment to the Interlocal Agreement for Solid Waste Management Services with Alachua County to authorize the County to charge certain users a lower fee than it charges the City for solid waste management services. Subsequently, the County Commission approved the First Amendment; however, they requested some revisions in the form of a Memorandum of Understanding.*

*The requested revisions include:*

- 1) An amendment of the fifth whereas clause to read as follows: "WHEREAS, the County transferred \$1,125,000 to the Solid Waste Fund in Fiscal Year 2003-2004 as a partial repayment of the funds that were transferred to the self-insurance fund during fiscal year 2002-2003; and*
- 2) A requirement for the County manager to provide quarterly written reports and semiannual presentations to the City Commission on the status of the solid*

waste management system and opportunities to reduce the waste stream, and to develop a long-term business plan for the solid waste management system.

*Fiscal Note: There is no fiscal impact.*

**RECOMMENDATION**

*The City Commission authorize the Interim City Manager to execute the Memorandum of Understanding Between Alachua County and the City of Gainesville for Solid Waste Management Services.*

**Legislative History**

9/27/04 City Commission Approved as Modified (7 - 0)

**040628**

**Bid Award for Multi-User Integrated Software for Crime Analysis (B)**

*Explanation: The Gainesville Police Department currently has three Crime Analysts who utilize several different sources of data in performing their job. Currently, data is accessed manually from the Open Software Solutions, Inc. (OSS) records management system, Computer Aided Dispatch (CAD), a Microsoft Access data source Crime Reporting Analysis Network (CRAN), and a sequel data source containing archived information. These sources of data are housed on three separate databases: two Sequel server databases and one Access database. The Purchasing Department, through DemandStar, issued a Request for Proposals (RFP) for Software to access and integrate the three different databases and to allow seamless integration between the database and two other Crime Analysis and Mapping software programs Analyst's Notebook 6 (an investigative analysis tool) and ESRI ArcGIS 9 (a desktop mapping and spatial analysis tool).*

*Six hundred eighty five potential vendors were notified and 35 downloaded the RFP with two firms submitting a proposal. After the evaluation of the written proposals and an oral presentation and product demonstration by both vendors, the evaluation team recommended award to i2, Inc., of Springfield, Virginia.*

*Fiscal Note: Funds for this \$55,000 expenditure are available from a Federal Earmark U.S. Department of Justice Community Oriented Policing Technology Grant account. There are no grant match requirements.*

**RECOMMENDATION**

*The City Commission 1) approve the award of the bid and the issuance of a purchase order to i2, Inc., Springfield, Virginia in an amount not to exceed \$55,000 for the purchase of crime analysis software, licenses and training , and 2) authorize the City Manager or designee to execute the contract and any other necessary documents.*

**040629**

**Award of Contract for Demolition of Dangerous Structures (B)**

*Explanation: Code Enforcement has conducted a bidding process for an annual contract for the demolition of dangerous structures. Florida Concrete Recycling, Inc. has*

been selected through the bidding process as the contractor best capable of meeting the requirements of the program. This is a one-year contract with an option to extend for three additional years.

*Fiscal Note:* Funds in the amount of \$45,000 are budgeted in the FY 2005 Code Enforcement Contractual Services account.

**RECOMMENDATION**

The City Commission approve the contract with Florida Concrete Recycling, Inc. in an amount not to exceed \$45,000 for demolition services required by the Code Enforcement Division for fiscal year 2004-2005 and authorize the Interim City Manager to execute all appropriate documents.

**040631**

**Agreement Renewal - Keep Alachua County Beautiful (B)**

*Explanation:* Keep Alachua County Beautiful (KACB) is the sponsor of "The Great American Cleanup", "Trash Troopers" and other anti-litter/beautification activities. The Great American Cleanup is held the second or third Saturday in April of each year and recruits over 10,000 volunteers to help pick up litter, remove graffiti, paint run-down buildings, and to assist in the clean up of illegal dump sites. In addition to beautifying Gainesville, these services are also extended to other cities and the unincorporated areas located within Alachua County. Over 280 tons of litter and debris were removed from public right-of-ways and other areas during the April 2004 events associated with the cleanup.

KACB was certified in 1995 as the local affiliate of Keep Florida Beautiful and Keep America Beautiful. The City of Gainesville has been a KACB member since the certification of this non-profit organization and has supported KACB with an annual contribution of either \$15,000 or \$20,000 for the past six years. The City of Gainesville has also provided in-kind services ranging in value from approximately \$12,000 to \$15,000 each year in support of the Great American Cleanup activities. In addition, the City of Gainesville provided free office space and photocopying to KACB in 1994, prior to KACB's certification as a Keep Florida Beautiful and Keep America Beautiful affiliate, and currently provides office space and various support services.

The Agreement provides:

1. Contribution of up to \$9,512.37 for in-kind services.
2. Payment of \$15,000 to renew the City's membership in Keep Alachua County Beautiful. In return, KACB will perform specified cleanup and beautification projects in coordination with the City Solid Waste and Parks Divisions. These projects include, but are not limited to: "The Great American Cleanup", graffiti removal, tree and shrub plantings, and public education programs for litter and graffiti prevention.
3. The payment of \$10,000 for continued implementation of "The Beautiful Block Program." This program is necessary to recruit block captains from targeted neighborhoods and to provide guidance and tools to empower

neighborhoods to keep their own blocks clean and beautiful.

4. Reimbursement up to \$20,000 for graffiti removal program.

5. Payment of \$30,000 to assist KACB in the relocation of offices and recruitment and training of a new executive director.

*Fiscal Note:* Funds are available in the Solid Waste Division's FY 2005 operating budget.

**RECOMMENDATION**

*The City Commission: 1) authorize the Interim City Manager to renew the contract with Keep Alachua County Beautiful for the period of October 1, 2004 through September 30, 2005, and execute all necessary documents.*

**040632**

**Florida Recreation Development Assistant Program Grant Application for Bivens Arm Nature Park (NB)**

*Explanation:* The City of Gainesville received notice from the Department of Environmental Protection that Florida Recreation Development Assistance Program (FRDAP) grant funds are available to local governments for the following categories: 1) development or acquisition of lands for public outdoor recreational purposes; and 2) construction or renovation of a public recreational trails. The development proposal should consist of the complete or partial development of the site for public outdoor recreational use. The developmental project may consist of one (1) improvement/renovation or a group of related improvements/renovations designed to provide primary facilities for outdoor recreation. A trail project should consist of a new trail or renovation of an existing trail for public outdoor recreation. A trail project may consist of one trail or multiple trails and related improvements within one project boundary. The maximum grant funds an applicant may request is \$200,000 with grant match ratios based on the grant cap of \$200,000 as follows: 1) Project cost \$50,000 or less, State share 100%, Grantee share, 0%; 2) Project cost \$50,001 to \$150,000, State share 75%, Grantee share 25%; or 3) Project cost \$150,001 up to \$400,000, State share 50%, Grantee share 50%. Applications must be postmarked no later than November 12, 2004.

*Bivens Arm Nature Parks, located at 3650 South Main Street, was constructed and opened to the public in 1985 by the Recreation and Parks Department's Nature Operations Division. The boardwalks and bridges, which were constructed using CAA-treated lumber, are in an advanced stage of decay and are dangerously slippery when wet. The intent of this grant application is to provide matching funds for the replacement of the boardwalks, bridges, and other related items with non-CCA lumber.*

*Fiscal Note:* Funds for the match are available in the Bivens Boardwalk Grant Match account and additional funds will be available for the project in the proposed 0.5 percent local government sales surtax for parks and recreation facilities.

**RECOMMENDATION**

*The City Commission: 1) approve the grant application for submission to the State of Florida,*

*Department of Environmental Protection, Florida Recreation Development Assistant Program; and 2) authorize the Interim City Manager to execute the grant agreement and any other related documents, if awarded.*

**040633****Florida Recreation Development Assistant Program Grant Application for Hogtown Creek Greenway Phase 1B Development (B)**

*Explanation: The City of Gainesville received notice from the Department of Environmental Protection that Florida Recreation Development Assistance Program (FRDAP) grant funds are available to local governments to develop land for public outdoor recreation. A proposed FRDAP project must be for one of the three following categories: 1) acquisition of land for recreational purposes, 2) development of land for recreational purposes, or 3) construction or renovation of a public recreational trail. A trail project should consist of a new trail or renovation of an existing trail for public outdoor recreation. The development proposal should consist of the complete or partial development of the site for public outdoor recreational use within three (3) years of the grant award. The maximum grant funds an applicant may request for is \$200,000 with a State match of \$200,000 totaling \$400,000 for the project cost. Applications must be postmarked no later than November 12, 2004.*

*The intent of this grant application is to provide matching funds for the development of a multipurpose recreational trail located at the 2700 block between NW 8th and NW 16th Avenues of the Hogtown Creek Greenway. In FY 2002, the City Commission allocated funds for this development. On November 25, 2002, the City Commission heard a report from staff on this project; approved the conceptual site plan; and instructed staff to proceed with the development. In October 2003, the Recreation and Parks Department's Nature Operations Division applied for a FRDAP grant for this project. However, at that time, the application did not receive a high enough project ranking to be considered for funding. The current grant application will receive a higher ranking due to additional public outreach initiatives. The development order for this Hogtown Creek Greenway North project has been extended until September 4, 2005.*

*Fiscal Note: The City of Gainesville currently has \$235,666.75 available in the Hogtown Creek Greenway North account of the General Capital Projects Fund. The City can use \$200,000 of these funds to match the State's \$200,000. If awarded, the City will have a total of \$435,666.75 available for the construction and completion of this trail.*

**RECOMMENDATION**

*The City Commission: 1) approve the grant application for submission to the State of Florida, Department of Environmental Protection, Florida Recreation Development Assistant Program; and 2) authorize the Interim City Manager to execute the grant agreement and any other related documents, if awarded.*

040634

**21st Century Community Learning Center Grant and Interlocal Agreement with School Board (B)**

*Explanation:* The Alachua County School Board has received a five-year, \$2.9 million grant for after school and summer programs for children in the eastern part of Alachua County. The award is from the State of Florida Department of Education under the 21st Century Community Learning Center Grant Program. For Year One, the grant award provides \$308,956 for the City to provide programming for 21st Century Community Learning Centers at three City-owned facilities (Eastside Community Center and Reichert House (2 facilities)). The 21st Century Community Learning Centers have three objectives:

\* To increase the number of students who meet the grade level expectations in reading for the Sunshine State Standards;

\* To provides students with enriching, supervised activities that promote their positive development, improve school attendance, and decrease youth crime; and

\* To increase the school involvement of the families of participating students.

To meet these objectives, the City will provide after school and summer programs at the Eastside Park Community Center and at the Reichert House facilities.

*Fiscal Note:* Funds will be available to the City in the amount of up to \$308,956 upon execution of the Interlocal Agreement. There are no required matching funds in years one and two. Thereafter, matching funds (cash or in-kind) will be required at an increasing rate, as noted in the backup.

**RECOMMENDATION**

The City Commission authorize the Interim City Manager to: 1) execute an Interlocal Agreement with the School Board for these funds, and any other necessary documents; and 2) expend the funds in accord with the approved budget.

040635

**Reimbursement for Costs Associated with Hurricanes (NB)**

*Explanation:* The Federal Emergency Management Agency (FEMA), as a result of hurricanes affecting local governments in the State of Florida, is providing Public Assistance funding to the State of Florida for the affected areas of the State. Eligible local governments have been invited to apply to the State Department of Community Affairs for available funds under the Public Assistance Program. The City of Gainesville has applied for Public Assistance in response to the impacts of Hurricanes Charley, Frances, and Jeanne.

*Fiscal Note:* FEMA will reimburse the City of Gainesville 90%, and the State will reimburse the City at least 5% of approved disaster-related expenditures.

**RECOMMENDATION**

The City Commission authorize the Interim City Manager to execute all Department of Community Affairs Disaster Relief Funding Agreements and

related documents.

**040636 Request to Purchase Property Located at 1503 NE 8th Avenue (B)**

*Explanation:* Traffic improvements are needed at the intersection of NE 8th Avenue and NE 15th Street. Any improvements to this intersection will require additional right-of-way. To that end, City staff has negotiated with Issac and Gloria Bethea to acquire their property located at 1503 NE 8th Avenue and known on the Property Appraiser's Records as Tax Parcel 11005-000-000.

This parcel was appraised on February 5, 2003 for \$54,000. In early summer of 2004, Mr. Michael Adnot, the original appraiser, recommended that an inflation factor of 6% be used to make the appraisal current. This would yield a current appraisal of \$57,240. The Bethea's have agreed to sell the property to the City for \$57,250.

*Fiscal Note:* The adopted FY 2005 General Capital Projects Fund budget includes \$57,250 for the purchase of this property.

**RECOMMENDATION**

*The City Commission:* 1) approve the acquisition of Tax Parcel 11005-000-000 located at 1503 NE 8th Avenue from Issac and Gloria Bethea in the amount of \$57,250; 2) authorize the Interim City Manager to prepare and execute a Purchase and Sale Agreement for the purchase of Tax Parcel 11005-000-000 from Issac and Gloria Bethea; and 3) authorize the Interim City Manager to prepare a Warranty Deed to convey the property from Issac and Gloria Bethea to the City of Gainesville.

**040637 Appointment of Fifth Member to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan (NB)**

*Explanation:* The five-member Consolidated Board of Trustees is responsible for the overall administration of the Police Officers' and Firefighters' Retirement Plan. The Consolidated Board of Trustees is currently comprised of one police officer who is a member of the Plan, one firefighter who is a member of the Plan, two City appointees, and a fifth member appointed by the other four Trustees. The fifth member is then, through a ministerial function, confirmed by the City Commission.

At the October 22, 2004 business meeting of the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan, the Board voted to appoint Dr. David Denslow for a two year term as the Fifth Member.

*Fiscal Note:* There is no fiscal impact associated with this appointment.

**RECOMMENDATION**

*The City Commission confirm the appointment of Dr. David Denslow as the fifth member to the Board of Trustees of the Consolidated Police Officers' and*



*Firefighters' Retirement Plan.***GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****040643 Release of Easement Rights at Marlboro Farms (B)**

*Explanation: September 16, 1974 the City acquired an easement over Tract "C" of Marlboro Farms as recorded in Plat book "I", pages 16 – 18. This easement was acquired to facilitate the development of a shopping center proposed by the owner at the time Marlboro Farms was platted, but which has not been constructed.*

*In accordance with Territorial Agreements between the GRU and Clay Electric Cooperative, GRU transferred its electric customers and associated easement rights in this area to Clay Electric in 1991. The document assigning these easement rights only transferred those easement rights as they relate to electric utility facilities and did not transfer the easement rights obtained by the City for additional utilities, such as water, wastewater or natural gas service.*

*The current owner of Tract "C" in Marlboro Farms has requested that the City release its interest in the easement over this tract of land. Staff has reviewed this request, and determined that there are no water, sewer or natural gas utilities located in this area and, therefore, has no objection to the City releasing its interest in the easement. However, it will be necessary for the owner to obtain a separate release of easement from Clay Electric Cooperative as to the electric easement rights assigned to them by the City in 1991. The owner has been advised of this fact.*

**RECOMMENDATION**      *The City Commission: 1) approve the partial release of a public utilities easement; and 2) authorize the Mayor and Clerk of the Commission to execute the Partial Release of Easement, subject to approval by the City Attorney as to form and legality.*

**CITY ATTORNEY, CONSENT AGENDA ITEMS****040641 CHARLES CHIODO V. ROB KOEHLER AND CITY OF GAINESVILLE; UNITED STATES DISTRICT COURT CASE NO. 1:04CV377-MMP/AK (B)**

*Explanation: On October 14, 2004, the City Attorney's Office received a Complaint filed by Mr. Chiodo. Mr. Chiodo alleges that his civil rights were violated by actions and policies of the City, Gainesville Police Department and a GPD Officer. Mr. Chiodo seeks injunctive relief, compensatory damages and punitive damages.*

**RECOMMENDATION**      *The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is*

available, to represent the City of Gainesville and Rob Koehler in the case styled Charles Chiodo v. Rob Koehler and City of Gainesville; United States District Court Case No. 1:04cv377-MMP/AK.

**040642 Consent to Assignment of Lease at the Star Garage Legal Center (B)**

*Explanation: In December 1985, the City leased approximately 20 feet of land lying to the west of the Star Garage Legal Center. The property was leased to the Star Garage Legal Center for a term of 50 years for the purpose of providing landscaping and a sidewalk.*

*The Star Garage building is under contract for sale. The Star Garage Legal Center is requesting the City to assign the lease to the new owner, Building 32606, Inc. The leased property will continue to be used to provide a sidewalk and landscaping for the building because it is a site plan requirement.*

*Fiscal Note: No fiscal impact.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to execute the Consent to Assignment of Lease Agreement.*

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

**040646 Resignation of Seth Denison (B)**

**RECOMMENDATION**

*The City Commission accept the resignation of Seth Denison from the Gainesville Energy Advisory Committee effective immediately.*

**040648 City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of October 25, 2004, as circulated.*

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PUBLIC SAFETY COMMITTEE, CONSENT**

**040127 Comprehensive Drug Plan Year 2 Public Education Campaign-RTS Bus Ads (NB)**

*Explanation: On July 26, 2004, the City Commission approved the second year of funding of the Gainesville Police Department's Comprehensive Drug Plan, and referred the issue of aspects of the public awareness campaign to the Public Safety Committee.*

*The Public Safety Committee held two meetings to discuss this referral and received input from Police, City Attorney, and RTS staff, as well as from UF Student Government. Gainesville Police Department provided a well thought out plan for the next year to conduct education awareness campaigns on the impact of drugs and alcohol in the community, utilizing many venues, including the use of RTS bus ads. The new RTS bus ads will depict a generic photo of both a male and female with a message related to date rape prevention as it pertains to date rape drugs. Student Government representatives at the meeting felt this newest ad was a strong and powerful message that would reach the majority of students with the intended educational impact.*

*Additional educational components include "Make the Right Choice" presentations directed at public school students, drug ads targeted at UF/SFCC in student publications in partnership with University Police Department and Santa Fe Community College Police Department, and to the Pace Center for Girls on the possible consequences of drug use, including teen pregnancy, birth defects and sexual battery.*

*The eight week campaign for the RTS bus ads that were posted during the first year of the drug plan has concluded and those particular ads are no longer being placed on the buses.*

*The Public Safety Committee strongly supports the use of bus ads in the police department's comprehensive drug plan education campaign.*

**RECOMMENDATION**      *The City Commission accept the Public Safety Committee's report and support of the second year Comprehensive Drug Plan education initiative and remove this item from the pending referral list.*

**Legislative History**

7/13/04	Public Safety Committee	Approved as Recommended	
7/26/04	City Commission	Approved as Recommended and Referred (5 - 1 - 1 Absent)	Public Safety Committee
8/19/04	Public Safety Committee	Discussed	
9/30/04	Public Safety Committee	Discussed	
10/21/04	Public Safety Committee	Discussed	

**040564**

**Legal Office Expenses from State Law Enforcement Contraband Forfeiture Trust Fund (NB)**

*Explanation: The requested funding is needed to cover the Gainesville Police Department Legal Office expenses related to case filing fees, research, publication requirements and storage fees on the seized property for FY 2004-2005.*

*Fiscal Note: The \$10,000 expenses are necessary in the processing of forfeiture cases. If this request is not paid from the Law Enforcement Contraband Forfeiture Trust Fund, it would need to come from the general fund. Funds are currently available in the State Law Enforcement Contraband Forfeiture Trust Fund account and is allowable under F.S. 932.7055(4)(a). The balance in the account is \$14,503.00.*

**RECOMMENDATION**

*The City Commission authorize the Gainesville Police Department to appropriate \$10,000 from the State Forfeiture Fund balance account (108-2710) into line item 108-810-H105-5210-3910.*

**Legislative History**

10/21/04    Public Safety        Recommended for Approval  
                 Committee

## **ECONOMIC DEVELOPMENT/UNIVERSITY COMMUNITY COMMITTEE, CONSENT**

**0404**

### **Planning Agreement with University of Florida and Shands (B)**

*Explanation: Based on a recommendation from the Urban Master Planning Committee (one of the ad hoc committees established after the Norfolk New Haven trip), the Economic Development/University Community Committee has recommended that the City go on record in support of the University of Florida extending its master planning effort to cover the area bounded by Archer Road, Southwest 16th Avenue, and Southwest 13th Street. This triangle, located just south of the Shands employment center, has great potential as a mixed-use area containing medical, office, commercial and residential uses, and is within close proximity to employment opportunities.*

*Fiscal Note: None*

**RECOMMENDATION**

*Economic Development/University Community Committee to City Commission: Authorize the Mayor to send a letter to the University of Florida in support of the University including the triangle bounded by Archer Road, Southwest 16th Avenue and Southwest 13th Street in the University Master Plan.*

**Legislative History**

10/26/04    Economic                  Continued  
                 Development/Univ  
                 ersity Community  
                 Com

## **AUDIT and FINANCE COMMITTEE, CONSENT**



*the City Commission accept the City Auditor's report.*

Legislative History

11/1/04     Audit and Finance Recommended for Approval  
                 Committee

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****040638 Request from Tiger Bay Group, LLC to Re-Extend the Funding Commitment for Tiger Bay Court Rental Development (B)**

*Explanation:* At the June 24, 2002 City Commission Meeting, the City Commission authorized the City Manager to provide a \$100,000 loan to Jennings Development Group, Inc. from the next year's SHIP funded New Rental Construction Program, with the remainder of the \$100,000 net present value commitment needed by the developer to come from a grant from surcharges on water/wastewater connection charges. The New Rental Construction Program is limited to three percent, 20-year loans.

Jennings Development Group, Inc. submitted tax credit applications to the Florida Housing Finance Corporation in 2002 and 2003. Neither application was approved. As a result, Jennings Development Group did not renew their option to purchase the project site. The property owner, Alan V. Iselin, formed Tiger Bay Group, LLC to revise and resubmit the existing tax credit application during the 2004 application cycle.

At its October 27, 2003 City Commission meeting, the City Commission approved extending the funding commitment previously approved for Jennings Development Group, Inc. to Tiger Bay Group, with a change in fiscal year funding sources for HOME and SHIP to FY 03-04.

Tiger Bay Group's 2004 tax credit application was not successful. Only three applications were funded in the Front Porch Florida set-aside that included Tiger Bay Group, LLC. The three funded projects had higher lottery numbers than Tiger Bay Group; therefore the project was not funded.

*Fiscal Note:* \$100,000 of FY 03-04 SHIP and HOME funds, and \$72,000 of water/wastewater surcharge funds from the affordable housing set-aside, were used to provide the \$100,000 net present value local government contribution previously committed to Tiger Bay Group. This is because the SHIP funds were committed via a repayable low-interest loan, such that the net present value was significantly less than the loan amount. An alternative would be to provide a \$28,000 outright HOME grant and a \$72,000 water/wastewater surcharge grant from the affordable housing set-aside to achieve the \$100,000 net present value local government contribution to the development. The net present value of the HOME funds would be the full amount of the funds since it would be an outright grant.

**RECOMMENDATION**

*The City Commission hear a presentation from representatives of Tiger Bay Group, LLC and if the Commission wishes to extend the commitment for one more year, provide the funds as an outright \$28,000 grant from HOME funds rather than a \$100,000 SHIP loan so that the amount encumbered will be smaller and more funds will be available to other housing programs and provide the \$72,000 water/wastewater surcharge grant from the affordable housing set-aside.*

**040543****Southwest Downtown Parking Garage Parking Rates (B)**

*Explanation: On October 18, 2004, the CRA forwarded to the City Commission a recommendation that staff prepare a report on the anticipated revenues and expenditures associated with the new parking garage. The goal is to establish the parking rates, particularly the monthly (contract) parking rates.*

*Staff has prepared a report that documents anticipated parking revenues and the projected operating expenses for the new parking garage. The estimated annual expenses for the garage for FY 06 (first full year of operation) are \$440,000. This includes personnel; routine operating expenses; and an annual contribution for major maintenance of the building to maintain its appearance, waterproofing, and structural integrity. Staff believes it is desirable for parking garage revenues to partially fund debt service to construct a second parking garage in the downtown area in the future. For example, a 300-space garage, estimated to cost \$4 million) would require an annual debt service payment of approximately \$300,000 based on a twenty year amortization schedule.*

*Based on the projected expenses to operate and maintain the garage and the daily cost of metered parking at \$2.00 per day (approximately \$40 per month based on 20 days of usage), it is recommended that the monthly rate in the garage be set at \$40 per month. To encourage use of the garage, staff is proposing promotional rates that will be effective during calendar year 2005. If a monthly parker buys the monthly contract for an extended period of time, it is recommended the rate be \$114 for 3 months (\$38/month), \$216 for 6 months (\$36/month), and \$420 for 12 months (\$35/mo). These rates may be paid on a quarterly basis. Additionally, these rates would apply to long-term group contracts as well. It is recommended that the nighttime rate be set at \$5 (flat rate) and the special event rate also be set \$5 (flat rate). Several of the parking lots surrounding the parking garage currently charge a \$5.00 flat rate charge for nighttime parking.*

*This proposed rate structure is anticipated to generate approximately \$570,000 for FY 06, which is funding to cover estimated garage expenses plus 43% of an annual debt service to fund construction of a second downtown parking garage. It is also recommended that access to the parking garage be permitted on a 24-hour/7 day a week basis. This will simplify parking operations and make the monthly contract parking a very attractive and affordable parking option. The parking rate for daytime transient parkers is \$1 per hour with a maximum fee of*



\$6 for daytime parking (6:00 A.M. to 6:00 P.M.). Staff will monitor the rates and level of parking throughout the year and recommend new rates either during the FY06 budget process or late Fall 2005 that would cover 2006; however, it is currently anticipated that the base monthly rate would remain at \$40 or increase to \$45 to bring it more into alignment with the \$53 monthly rate charged at the McGurn garage.

These rates are different from the \$50 per month contract parking rate and \$3.00 nighttime rate previously proposed by City Manager Wayne Bowers. The adjustment was made based on a recent meeting with downtown employees and business owners who expressed concern that the rate structure was too high. Staff believes that the combination of the convenience of the parking garage for the same daily rate as feeding meters, coupled with 24/7 access, is a benefit that many the downtown employees and businesses will find attractive.

The parking garage will commence operations in the first half of December; however, the parking access and revenue equipment will not be operational until sometime in January 2005. During this interim period, Public Works will operate the garage on a cash only/pay upon entry manual collection system. The rates will be \$2 entry fee for daytime (6 A.M. to 6 P.M.) and \$5 entry fee for nighttime (6 P.M. to 6 A.M.). Hopefully the \$2.00 per day rate will encourage many downtown employees and patrons to experience the garage and secure long-term parking contracts. Additionally, staff will be working with Alachua County government since they have expressed an interest in a group rate for their employees. We will also work with the County to try to encourage as much use of the garage as possible so as to free up parking spaces for short term use by the public.

In conjunction with the parking garage project and purchase of the land, McGurn Investment Company has approximately 133 parking places (unreserved) in the garage. McGurn will receive a pro rated share of the revenue and will pay a monthly fee per space for garage operations. The revenue and maintenance fee involving the McGurn spaces has been removed from the garage revenues/expenses to simplify the analysis. The rates that McGurn charges for their private garage are included in the backup. However, these rates may not necessarily govern how McGurn charges in the City parking garage.

**Fiscal Note:** The parking garage rate structure must generate sufficient revenue to cover parking garage operations/ expenses. The recommended parking rates will accomplish this objective, plus partially fund a debt service payment to construct a second downtown parking garage.

**RECOMMENDATION**

The City Commission: 1) set the parking rates for the Southwest Downtown Parking Garage at a monthly rate of \$40 with reduced rates for extended contracts, a nighttime and special event flat rate at \$5, and maintain the daytime transient rate at \$1/hour with a \$6 maximum for daytime parking; 2) establish the long term monthly parking contract with unrestricted, 24/7 access to the parking garage; and 3) instruct the City Attorney to prepare a new Resolution reflecting these

parking rates.

Legislative History

10/18/04 Community Redevelopment Agency Approved, as shown above (6 - 0 - 1 Absent)

**040639**

**Depot Park Project Status Report (B)**

*Explanation: REMEDIATION AND STORMWATER ELEMENTS:*

*Since 1997, the City of Gainesville has been in the process of planning the Depot Park project, which consists of 35 acres of open space, recreation amenities, and a stormwater management facility. The project is proposed for the vacant property near Depot Avenue and South Main Street, which was formerly owned by CSX, MCB Oil, and Rinker Materials. This property is now entirely City-owned. Some of the recreation elements proposed during a public workshop in 2002 include a skatepark, rails-to-trails, walking paths, and picnic areas. An outdoor amphitheater and rehabilitated depot building are also part of the park concept. The stormwater component consists of a stormwater interceptor and two (2) constructed basins that will reduce pollutant loading in Sweetwater Branch where discharge of untreated urban runoff currently occurs. The system will capture and treat stormwater from approximately 100 acres of downtown, reducing contaminants entering Paynes Prairie and lowering stormwater management costs for infill development. A third basin will treat stormwater from the expanded RTS facility on SE Veitch Street.*

*The City has reached many milestones in the planning of this project. Some of the tasks completed to date are the acquisition of all the necessary land rights except for FDOT land between Depot Avenue and the former-CSX property, completion of major environmental assessment work, securing the commitment for a \$15 million state-financed construction loan, preparation of remedial action plans, completion of plans and specifications for the cleanup and stormwater ponds, and stabilization of the old depot building. Funding for these tasks has come from several sources including GRU and General Government, Stormwater Utility, US EPA, State Office of Tourism, Trade and Economic Development, Florida Communities Trust, State Historic Preservation Office, Stormwater Revolving Fund, and the St. Johns River Water Management District.*

*Part of the proposed Depot Park site is contaminated with coal tar from the former Gainesville Gas Company, which last operated a manufactured gas plant (MGP) in the 1950's on the site now owned by Poole Roofing and Sheet Metal on SE 2nd Street. Gainesville Regional Utilities purchased the assets of the former Gainesville Gas Company in January 1990 and assumed the environmental liabilities associated with the operation of the MGP. GRU has completed environmental studies that document the existence of soil and groundwater contamination associated with the MGP on the former MGP site under Depot Avenue and on the real property formerly owned by CSX. The contamination on the former CSX site must be remediated before it can be developed with recreation and stormwater features. The Remedial Action Plan*

*(RAP) for the former MGP site has been approved. GRU plans to submit the RAP for the former CSX site to the regulatory agencies for approval on November 12, 2004.*

*In early 2005, the project will transition from planning to implementation. The West and RTS stormwater basins are anticipated to be completed in June 2005 on the former MCB Oil property. In March 2005, the City plans to obtain bids for the cleanup of the MGP impacts, and construction of the East stormwater basin. Site demolition will begin approximately June 2005 and the cleanup will progress to full capacity during the balance of the year. Once cleanup on the former CSX site is completed, the excavation area will be enlarged for the construction of the East stormwater basin. Completion of the stormwater site work is anticipated in early 2007.*

*The schedule described previously is contingent on several factors, some of which are not under the City's control. Some of these factors are obtaining timely regulatory review and approval, weather conditions, discovery of unexpected contamination, and actual rate of contamination treatment.*

#### **SKATEPARK ELEMENT**

*A much-anticipated skatepark is proposed on a portion of the park site. Deciding on a schedule for implementation of the skatepark is difficult given the potential conflicts between the skatepark and the close proximity to the remediation activities and temporary storage site for the Historic Train Depot Building. In consideration of these logistical issues the Recreation and Parks Department staff have opted to develop a new schedule for the skatepark to begin the bid process in January of 2005 with an anticipated opening date of June 2006. The schedule may be shortened and the facility opened sooner if logistical concerns are modified as remediation activities begin.*

*Fiscal Note: None*

**RECOMMENDATION**      *The City Commission hear a presentation from staff.*

## **GENERAL MANAGER FOR UTILITIES**

### **040644                      Manufactured Gas Plant Clean-up - Soil Disposal/Treatment Options (B)**

*Explanation: Gainesville Regional Utilities purchased the Gainesville Gas Company in January 1990 and through this purchase assumed the environmental liabilities associated with the operation of the Manufactured Gas Plant (MGP). The former MGP operated between approximately 1887 and 1957 on property located on the northwest corner of Depot Ave. and SE 2nd Street (now owned by the Poole Roofing and Sheet Metal Company). Environmental studies indicate that soil and groundwater contamination associated with the MGP exist on the former MGP site and extend southward under Depot Ave. and onto the property formerly owned by CSX Transportation Inc. Impacts also exist in a drainage ditch that exists south of Veitch St. and discharges into Sweetwater Branch.*

*The former CSX property and adjacent parcels are currently owned by the City of Gainesville and will be redeveloped into a recreational park with stormwater treatment basins as part of the SPROUT Project. Therefore, the contamination that currently exists must be remediated before the park is suitable for public use.*

*On June 26, 2003 City staff presented to the Commission an overview of the SPROUT project including the proposed remedial strategy and the soil treatment and disposal alternatives under consideration at that time. These alternatives included landfilling, bioremediation and thermal treatment in either a stationary facility or a mobile facility.*

*At this meeting the City Commission approved the remedial strategy which entails excavation and disposal and/or treatment of approximately 140,000 tons of contaminated soil from the Poole Roofing and former CSX sites and post-remediation groundwater monitoring to determine whether groundwater treatment is needed. The City Commission also authorized staff to assist the SPROUT Task Force with a community outreach on soil treatment alternatives and to return with a recommendation.*

*On October 30, 2003 a well-noticed public workshop was held to present the remedial strategy and soil alternatives to the community and receive their input. Alternatives were presented in terms of their level of technological development and performance; costs; impacts on project schedule; impacts on neighborhoods; reuse/disposal of end-products; and regulatory acceptance. The participants expressed little interest in bioremediation primarily due to its impact on the project schedule and the uncertainty regarding the level of contaminant destruction that could be achieved. Landfilling was not a preferred alternative. Thermal treatment was generally acceptable provided measures were taken to minimize impacts (e.g., dust, noise, truck traffic, movement of contaminated soil) on the community. These sentiments were consistent with the SPROUT Task Force recommendation whose preferred alternative is one that renders the wastes "inert" (i.e., wastes will not leach contaminants into soils or groundwater).*

*A comparison of estimated costs between the alternatives is included in the packet as backup.*

*After consideration of all the factors, SPROUT Task Force and community input, staff is recommending the on-site thermal treatment alternative with off-site thermal treatment as an approved alternative. Although this is not the low cost alternative, it is the method that destroys the organic contaminants in the soil, produces a usable product (i.e., treated soil), reduces the movement of contaminated soil through the community and minimizes associated truck traffic and air emissions (although treated soil will have to be transported off-site). This alternative also reduces the long-term liability concerns associated with landfilling.*

**Fiscal Note:** *\$11,217,569.00 was included in the 2005 approved Gas System capital budget. Remediation costs are being recovered through a cost recovery factor of 3.21% added to residential gas rates.*

**RECOMMENDATION**

*The City Commission approve on-site thermal treatment as the preferred remediation methodology with off-site thermal treatment as the acceptable alternative for the clean-up of petroleum and coal tar impacted soils resulting from the remediation of impacts associated with the former Gainesville Gas Manufactured Gas Plant (MGP).*

**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****040624****2005 Affirmative Action Plan (NB)**

*Explanation: The Equal Opportunity Director introduced the Agenda Item. There was a discussion of the plan with Equal Opportunity Office staff and members of the Affirmative Action Sub-Committee.*

*The Equal Opportunity Committee heard a presentation from staff on the 2005 Affirmative Action Plan on December 20, 2004*

*Fiscal Note: None at this time.*

**RECOMMENDATION**

*Equal Opportunity Committee recommends the City Commission accept the 2005 Affirmative Action Plan and remove this item from the Referral List.*

**COMMITTEE REPORTS (PULLED FROM CONSENT)****PUBLIC WORKS COMMITTEE****031017****Mason Manor (NB)**

*Explanation: On October 12, 2004, the Public Works Committee discussed the flooding issues at Mason Manor. Staff presented an alternative for installation of a diversion wall structure that would redirect the overflows from Hogtown Creek and reduce the number of flooding occurrences in the neighborhood. This alternative does not remove the homes from the flood zone. The Public Works Committee, along with neighborhood representatives, reviewed staff's recommendation and deemed it appropriate.*

*Fiscal Note: Funding for the diversion wall structure in the amount of \$30,700 is allocated in the Stormwater Management Utility account.*

**RECOMMENDATION**

*The City Commission: 1) approve staff's*

*recommendation to install a diversion wall structure; and 2) remove this item from the Public Works active referral list.*

*Note: A citizen has requested that this item remain on the Public Works Committee referral list.*

**Legislative History**

3/15/04	City Commission	Referred (7 - 0)	Public Works Committee
5/26/04	Public Works Committee	Discussed	
10/12/04	Public Works Committee	Approved, as shown above	

## **PUBLIC SAFETY COMMITTEE**

**040484**

### **Request for Increase in Trespass Towing Fees (B)**

*Explanation: The City Commission referred a request for increase in trespass towing fees from Ultimate Towing to the Public Safety Committee on September 27, 2004. The Towing Advisory Board (TAB) held a special meeting on October 12, 2004 to discuss the requested increase and to receive justification documents from Ultimate Towing for their consideration. Ultimate Towing was requesting an 18.4% increase (from \$76 to \$90).*

*Majority TAB members representing towing companies, neighborhood associations, apartment owners and University Police Department voted to increase the trespass towing fee by \$4 bringing the total from \$76 to \$80. Those members found that certain costs such as gasoline and insurance had increased, however, did not find sufficient documentation to support the 18.4% increase requested.*

*The Public Safety Committee heard from Towing Advisory Board members, Mr. Whiteside of Ultimate Towing and Student Government representatives at the October 21, 2004 meeting. Student Government representatives at this meeting indicated they could support the \$4.00 increase with the condition for additional educational programs for students on defining illegal parking given to the citizen at the time of the tow. The Public Safety Committee heard from staff that educational brochures are already provided to UF and SFCC in various venues and the TAB is also charged with an educational component that they continue to refine.*

**RECOMMENDATION**

*The City Commission 1) accept the Towing Advisory Board's report and recommendation for the \$4.00 increase to trespass towing fees, 2) hear from staff and citizens, 3) direct the City Attorney to prepare the necessary resolution, and 4) remove this item from the Public Safety Committee pending referral list.*

**Legislative History**

9/27/04	City Commission	Approved as Recommended (7 - 0)	
9/27/04	City Commission	Referred	Public Safety Committee
10/21/04	Public Safety Committee	Discussed	

## AUDIT and FINANCE COMMITTEE

### 040618 City Auditor Appointment (NB)

*Explanation: On June 28, 2004, the City Commission approved the Audit and Finance Committee's recommendation to: 1) Appoint Brent Godshalk as Interim City Auditor; 2) increase his salary 10% effective July 5, 2004; and 3) determine by October 1, 2004, whether or not to implement a search for the City Auditor position.*

**RECOMMENDATION**

*The Audit and Finance Committee recommends the City Commission discuss the City Auditor appointment process.*

**Legislative History**

11/1/04	Audit and Finance Committee	Approved, as shown above
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## ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

### OUTSIDE AGENCIES

### 040647 Alachua County Commission (B)

**RECOMMENDATION**

*The City Commission hear a report from County Commissioner Rodney Long regarding Entrepreneurship School Update and Request for Funds for Mentoring Coordinator Position.*

## MEMBERS OF THE CITY COMMISSION

### COMMISSION COMMENTS (if time available)

### CITIZEN COMMENT

### COMMISSION COMMENTS (if time available)

### PLEDGE OF ALLEGIANCE (6:00pm)

### Brownie Troop #1356

*Jackie Fralick, Troop Leader*

## PROCLAMATIONS/SPECIAL RECOGNITIONS

### 040645 Veteran's Day - November 11, 2004 (B)

RECOMMENDATION

*Gator Detachment of the Marine Corp League  
Commandant Bob Gasche, Sr. Vice Commandant Dick  
Lester and Jr. Vice Commandant Cary Hill to accept  
the proclamation.*

### 040653 Crop Walk - November 7, 2004 (B)

RECOMMENDATION

*Rev. Fred Deppenbrock to accept the proclamation.*

## PUBLIC HEARINGS

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

### 030785 DISTRIBUTION OF HANDBILLS (B)

**Ordinance No. 0-03-92**

**An ordinance of the City of Gainesville, Florida, creating Article VI, of Chapter 19 of the City of Gainesville Code of Ordinances, establishing requirements related to the "Distribution of Handbills"; providing for the intent and purpose of the regulations; providing for definitions; providing for the scope of the program; prohibiting distribution where an occupant has posted a "No Handbills" sign; providing exceptions for consent, parcel carriers, postal carriers, and qualified newspapers; providing for enforcement by civil citation and a penalty for violation of this Ordinance; providing for enforcement by criminal citation following two civil citation convictions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: In recent years, the City has received complaints from citizens and apartment managers regarding the unwanted delivery of advertisements, handbills and circulars to their homes, in their neighborhoods and in apartment complexes. In response, the City Attorney's Office evaluated the City Code of Ordinances and determined there is no provision in the current Code that gives the City the authority to act on these complaints where advertisements are thrown in yards or placed at the doorways of residences, unwanted and unsolicited.*

*The City Commission referred this item to the Public Safety Committee on January 12, 2004 for review and recommendation. The Public Safety Committee held two public meetings and received input from police, City Attorney staff, businesses and citizens, and referred the matter back to the City*



*Commission. On April 12, 2004, the City Commission considered the issue and authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance, in substantially the same form as submitted by the Public Safety Committee.*

*On June 14, 2004, an ordinance was presented for first reading. At that time, the matter was referred to the Public Safety Committee for reconsideration. The matter was discussed by the Public Safety Committee on July 13, 2004 and again on September 30, 2004 (when input from the Chamber of Commerce was received).*

*The proposed ordinance is amended slightly based on these discussions and provides for the property owner to decide whether they want to receive handbills. If they do not wish to receive handbills, the owner may place a "No Handbill" sign on his or her property. This draft ordinance also provides exception language in the following scenarios:*

- \* Public agency distribution (police/fire/health) flyers distributed in the interest of the public health and safety;*
- \* when the owner or occupant has requested the handbill or provides consent;*
- \* for parcel and U.S. post delivery; and*
- \* for newspapers which are sold to the public.*

*Violations of this ordinance may be enforced by civil citation or by municipal ordinance prosecution. Once a person has two civil citation convictions within a six-month period, subsequent violations shall be prosecuted as provided in section 1-9 of the Code.*

*To allow time for education and implementation, the ordinance would take effect January 1, 2005.*

*This ordinance requires two hearings. If adopted on first reading, the second and final reading of the ordinance will be November 22, 2004.*

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

**Legislative History**

1/12/04	City Commission	Approved as Recommended (7 - 0)	
1/12/04	City Commission	Referred	Public Safety Committee
2/19/04	Public Safety Committee	Discussed	
3/18/04	Public Safety Committee	Discussed	
4/12/04	City Commission	Approved as Recommended (7 - 0)	
6/14/04	City Commission	Referred (4 - 2 - 1 Absent)	Public Safety Committee
6/14/04	City Commission	Referred	Public Safety Committee
7/13/04	Public Safety Committee	Discussed	
9/30/04	Public Safety Committee	Discussed	
10/25/04	City Commission	Approved as Recommended (7 - 0)	

040570

**BURGLAR ROBBERY ALARM (B)****ORDINANCE NO.: 0-04-104**

**An ordinance of the City of Gainesville amending Section 21-58 and 21-60 of the Gainesville Code of Ordinances by clarifying that alarm monitoring companies and alarm system contractors, which are regulated by the Department of Professional Regulations and have paid an occupational license tax for the current year to the county or municipality in the state where the alarm monitoring company or alarm system contractor's permanent business location or branch office is maintained, are not subject to the registration fee; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.**

*Explanation: On May 8, 2000, the City Commission adopted Gainesville's False Burglar and Robbery Alarms ordinance. The ordinance requires alarm monitoring companies and alarm system contractors to pay an annual registration fee before they can engage in business. Section 205.065, F.S. provides that:*

*If any person engaging in or managing a business, profession, or occupation regulated by the Department of Business and Professional Regulation has paid an occupational license tax for the current year to the county or municipality in the state where the person's permanent business location or branch office is maintained, no other local governing authority may levy an occupational license tax, or any registration or regulatory fee equivalent to the occupational license tax, on the person for performing work or services on a temporary or transitory basis in another municipality or county.*

*Our enforcement practice complies with the statute and this amendment will conform the language of the ordinance to the strictures of state law.*

*At its meeting on October 25, 2004, the City Commission authorized the City Attorney to prepare and the Clerk to advertise the proposed ordinance.*

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

**Legislative History**

10/25/04      City Commission      Approved as Recommended (7 - 0)

040619

**GENERAL GOVERNMENT BUDGET AMENDMENT - FY 2004****Ordinance No. 0-04-100**

**An ordinance of the City Commission of the City of Gainesville, Florida; relating to its general government budget for the fiscal year beginning October 1, 2003 and ending September 30, 2004; amending ordinance no. 030344 as amended by ordinance nos. 031054, 040084, and 040368 by making certain adjustments to the general operating and financial plan budget; and providing an immediate effective date.**

*Explanation: The Audit & Finance Committee at its meeting of Monday, November 1, 2004, recommended that the Commission adopt an ordinance amending the FY 2004 budget. The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2004 General Government budget those transactions and activities that were not anticipated during the budget process.*

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

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

**Legislative History**

11/1/04      Audit and Finance Recommended for Approval  
Committee

## **ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

**040466**

### **INVESTMENT OF ASSETS OF RETIREE HEALTH INSURANCE TRUST FUND AND EMPLOYEES DISABILITY PLAN TRUST FUND (B)**

**Ordinance No. 0-04-95**

**An ordinance of the City of Gainesville, Florida, amending section 2-438, relating to the investment of assets of the Retiree Health Insurance Trust Fund and the Employees Disability Plan Trust Fund of the city; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At its meeting of September 27, 2004, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to provide for investment of the assets of the Retiree Health Insurance Trust Fund and the Disability Pension Trust Fund in a manner consistent with the General Pension Plan Trust fund. This will allow greater flexibility in managing the assets and allow a higher return on the investments.*

*This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, November 8, 2004.*

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

**Legislative History**

9/27/04      City Commission    Approved as Recommended (7 - 0)  
10/25/04      City Commission    Adopted on First Reading (Ordinance) (7 - 0)

**020697**

### **LAND DEVELOPMENT CODE -SIGNIFICANT ECOLOGICAL COMMUNITIES DISTRICT (B)**

**Ordinance No. 0-04-68; Petition 22TCH-02 PB**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, Chapter 30, amending section 30-309; creating a new overlay district to be known as “Significant Ecological Communities District;” establishing standards for protection of significant ecological communities in the City; providing administrative remedy; creating section 30-309.1; establishing criteria for rezoning; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: Introduction: The City Commission at its meeting of June 28, 2004, approved Petition 22TCH-02PB, regarding the Significant Ecological Communities Overlay District (District). According to the Department of Community Development, the purpose of the overlay district is to allow the City to apply a more customized set of regulations to certain environmentally sensitive parcels rather than the more generalized land development regulations. The proposed District is an overlay zoning district and will be applied in conjunction with any underlying zoning regulations on the property; in the event of a conflict, the District standards will prevail. Individual properties will be rezoned into the District by separate rezoning ordinance(s).*

*Section 30-309, Land Development Code, is amended to state the purpose, intent, and procedures to enable the City to protect and restore significant ecological features of property located within the District while still allowing use of a parcel. A special permit procedure for development of parcels located within this District is established, and the standards and criteria for use in evaluating applications for permits for development are stated.*

*An important requirement for new development within the District is that an environmental inventory must be prepared for each parcel as a condition for development approval of the parcel. (The requirements for the inventory are described in greater detail below.) The inventory requirement is designed to ensure identification of vital environmental communities on the property, thereby increasing the likelihood that the environmental community will be protected or restored.*

*Once implemented, section 30-309 may also require an owner to provide for additional set-aside (no more than 10 percent), a plan to protect a majority of high-value heritage trees located on the property, possibly increasing set-backs from surface waters, protection of sinkholes and other rare natural communities, and clustering away from environmentally significant features.*

*The Environmental Features Report: Once a property is zoned in the District, to obtain a development permit for the property the application must include an Environmental Features Report prepared for each parcel proposed for development. The report will be written in compliance with the requirements stated in the Environmental Features Evaluation Policy Manual. (This Manual will be presented for adoption separately (in the form of a Resolution) following second reading of this ordinance. A courtesy copy of the Manual is included in the back up for informational purposes at Exhibit A.)*

*The Environmental Features Evaluation Policy Manual contains the guidelines and requirements for preparation of the Environmental Features Report. Each Report will contain general site information, a site plan, an environmental site*

assessment, a listing of plant and animal species on the property, a description of rare or exemplary natural communities and wetlands/surface waters on the property, a landscape plan, plans for conservation area buffers (if the parcel neighbors a conservation area), and other elements stated in the environmental management section of the Land Development Code.

*Administrative Remedy:* This ordinance creates a new administrative remedy for property owners who claim to be impacted by these requirements. If a property owner believes the requirements of this ordinance specifically impact his/her property in such a way that a "taking" may result, or otherwise entitles the property owner to compensation as a result of a specific decision of the City, that owner may file an appeal within 30 days with the Clerk of the Commission. The City Commission will then hear the appeal within 60 days unless the owner requests an additional 60-day extension period. At the hearing before the Commission, the property owner will be required to show how the City's decision results in a taking or other impact that entitles the owner to payment of compensation under the common law or statutory law. City staff will be given an opportunity to rebut any evidence offered by the owner. The final decision to grant relief or overturn any specific decision in order to avoid a taking or the payment of compensation will rest with the Commission.

*Rezoning:* Finally, as mentioned at the outset, properties will be individually rezoned into this District. A new section 30-309.1 of the Land Development Code is created to specify the criteria used by the City to evaluate parcels for rezoning and to specify the criteria an owner must present in an attempt to exclude a parcel from the District.

*The ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, November 8, 2004.*

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

**Legislative History**

12/9/02	City Commission	Approved, as shown above (5 - 0)
6/28/04	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
10/25/04	City Commission	Adopted on First Reading (Ordinance) (6 - 1)

## RESOLUTIONS- ROLL CALL REQUIRED

**040532**

**A resolution of the City of Gainesville, Florida, establishing a 401a Money Purchase Plan and Trust for the benefit of eligible employees and their beneficiaries; and providing an immediate effective date (B)**

*Explanation:* The City Commission at its meeting of October 11, 2004, approved authorized the City Manager to initiate a new 401 plan with the ICMA Retirement Corporation. The resolution is required by the ICMA Corporation.

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

**Legislative History**

10/11/04	City Commission	Approved as Recommended (7 - 0)
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**040617 Proposed FY 2005 Annual Audit Plan (B)**

*Explanation: Resolution 970187, City Auditor Internal Responsibilities and Administrative Procedures, Section 4 (b) requires the City Auditor to submit an Annual Audit Plan to the City Commission for approval. The process of preparing the Annual Audit Plan includes obtaining input from City Commissioners and Charter Officers as well as evaluating information gained from previous audits and studies performed by the City Auditor.*

*Exhibit A represents a compilation of proposed audits for the City Auditor's work plan for FY 2005. Audits are classified into the following categories:*

- Revenue/Cost Containment Audits*
- Operational Audits*
- Compliance Audits*
- Follow-up Audits*
- Other Projects*

*A description of all projects is also included for review.*

**RECOMMENDATION**      *The Audit and Finance Committee recommends the City Commission adopt the City Auditor's Proposed FY 2005 Annual Audit Plan Resolution.*

**Legislative History**

11/1/04      Audit and Finance Committee Recommended for Approval

**PLAN BOARD PETITIONS**

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**040411 North Point at Ironwood - Neighborhood Housing & Development Corporation (B)**

**RECOMMENDATION**      *Community Development Committee to the City Commission: 1) adopt the block grant allocation criteria, in the first year allowing for 100% affordable units outside of target areas and 25% within the target areas; and 2) remove this item from the referral list.*

**Legislative History**

9/13/04      City Commission      Referred (6 - 0 - 1 Absent)      Community Development Committee

9/13/04      City Commission      Referred      City Manager

10/7/04	Community Development Committee	Approved as Recommended
10/11/04	City Commission	Continued
11/4/04	Community Development Committee	Continued

**040612****Donation of Lot to Santa Fe Community College (NB)**

*Explanation: Santa Fe Community College (SFCC) has committed to developing the Charles L. Blount Center, which is a downtown campus. Plans are to construct a new general classroom building in the northeast quadrant of the NW 6th Street and 5th Avenue intersection. The addition of this facility will enable SFCC to double the number of students to 3,000 in the downtown, thus adding many pedestrians to an area in need of revitalization. The City of Gainesville has partnered with SFCC to support its mission to offer educational and workforce training in the community.*

*To construct the new 12,000 square foot classroom building, SFCC will need additional land to support a stormwater pond. Toward that end, SFCC is requesting the donation of a City owned lot, parcel #14479, which is located immediately to the east of the site of the proposed new classroom building. City staff has worked with SFCC on the proposed design of this stormwater management facility. Construction of the new campus is through the SFCC Endowment Corporation, Inc., a not-for-profit organization, and the donation is requested to be made to this entity*

*Several conditions would apply to the donation:*

- \* SFCC Endowment Corporation will be required to use the lot only for stormwater management purposes.*
- \* An automatic reverter would be placed on the lot such that it would revert back to the City in the event that the property improvements are not commenced and completed within a set period of time.*
- \* A restrictive covenant would be placed on the use of the land that would run with the land*

*Additionally, any plans for development of the property should support the proposed Rail Trail that will run along 6th Street on CSX property, adjacent to the property. Santa Fe has indicated that the City of Gainesville will be recognized for its donations and support with a plaque inside the new classroom building.*

*This item was discussed at the October 25, 2004 City Commission meeting. Staff described CRA's streetscape project status and additional streetscape funding needs, and what the development review options (site plan review or interlocal agreement with specific conditions) could be for Santa Fe's project. Commissioner Braddy described the proposed development. Public comment was provided. The City Commission continued the item, indicating that if an interlocal agreement were to be considered, Santa Fe should conduct a*

*neighborhood meeting and receive neighborhood input on its proposed development, and should commit to creating a long-term master plan.*

*Santa Fe representatives met with the Fifth Avenue/Pleasant Street Advisory Board of the CRA on October 26, 2004 and discussed that Santa Fe would host a neighborhood meeting for public input.*

*A timing issue the City Commission may wish to consider is that HUD may take two to four weeks to approve the possible change of use. The City Commission may wish to go ahead and authorize Block Grant staff to seek HUD's approval clarifying a range of possible uses on the site, including educational.*

*Fiscal Note: Although the current lot value is approximately \$5,000 based on the assessment, the lot was originally purchased by CDBG funds for a total price of \$22,044 (including appraisal, survey, recording and title insurance.) The property will be removed from the City's property inventory.*

**RECOMMENDATION**

*The City Commission hear an update from representatives of Santa Fe Community College and take action as appropriate.*

**Legislative History**

10/25/04 City Commission Continued (7 - 0)

**040652**

**Environmental Due Diligence-Wal-Mart at Northside Park (B)**

*Explanation: Walmart has advised that they are ready to commence their due diligence with regard to a possible swap of City property. In order to proceed, the Company has requested that the City of Gainesville allow access to Northside Park so that a Phase I Environmental Assessment and Survey may be performed. The property will be restored to its existing condition.*

*Fiscal Note: This work will be done at no cost to the City.*

**RECOMMENDATION**

*The City Commission approve the Limited License and Right of Entry Agreement to allow Wal-Mart to perform a Phase I Environmental Assessment and Survey of Northside Park.*

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT - 12:15 AM**