

# **City of Gainesville**

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



## **Meeting Agenda**

**November 28, 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 - 1:06 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

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 050193

#### **Hogtown Creek NW 8th Avenue Culvert Sediment Removal (B)**

**This item will increase by \$22,500 the amount of the purchase order and contract with Subaqueous Services, Inc. for sediment removal at the Hogtown Creek NW 8th Avenue Culvert.**

*Explanation: The City Commission awarded the bid for the sediment removal from the Hogtown Creek NW 8th Avenue Culvert to Subaqueous Services, Inc. on July 25, 2005, and authorized the City Manager to execute the contract and issue the purchase order for \$89,069. During the on site pre-construction meeting, it was determined and verified by Public Works engineering staff that the amount of sediment to be removed exceeded the quantity defined in the bid documents by 400 cubic yards. The contractor's bid price for additional sediment removal is \$10,000 per 100 cubic yards. The City Commission approved the associated change order in the amount of \$40,000.*

*The City of Gainesville entered into a grant agreement with the United States Natural Resources Conservation Services (NRCS) where they would provide 75% of the funding for this work through their Emergency Watershed Protection Program. The balance is provided by the City's Stormwater Management Utility.*

*The contractor began work on September 13, 2005. On October 6, 2005 the Northwest Gainesville area experienced a significant rainfall event. The weather station located at the Gainesville Regional Airport reported 2.67" of which most fell within an hour or so. This rainfall event caused elevated creek flows resulting in the deposition of additional sediment in the previously excavated areas of this project. The field engineer for the NRCS informed Public Works that all of the sediment must be removed at the time of their final inspection in order for the terms of the NRCS/City grant agreement to be met, without which no reimbursement to the City would be allowed.*

*Without the reimbursement from the NRCS, the City would have to cover the entire \$129,069 on this contract. We negotiated a change order agreement that adds 225 additional cubic yards of sediment removal at a cost of \$22,500 (current contract unit cost) with the stipulation that the contractor complete full sediment removal, and have this work complete for the scheduled NRCS final inspection at 9 a.m. on November 15th. Therefore the City of Gainesville will not pay additional costs for the completion and inspection approval by the NRCS.*

*Staff deemed this action necessary to protect the City's interest as 1) additional significant rainfall events may reoccur that would continue to prevent completion of this project and 2) the contractor met the conditions of the contract by removing 1,100 cubic yards of sediment from the project site within the allowed 60-day period.*

*Fiscal Note: Funds are available in the Natural Resources Conservation Services grant account and the Stormwater Management Utility account.*

**RECOMMENDATION**

*The City Commission authorize the City Manager, or designee, to execute a modification to the existing purchase order and contract for the sediment removal from the Hogtown Creek NW 8th Avenue Culvert issued to Subaqueous Services, Inc. for additional work, increasing the amount of the purchase order from \$129,069 to \$151,569.*

*Alternative Recommendation A: The City Commission deny the contract amendment request. This action would eliminate funding from the NRCS in the amount of \$113,676.75 plus in kind costs, making the City of Gainesville responsible for the entire project cost of \$151,569 plus in kind costs. These costs would be taken from the Stormwater Management Utility Fund. In addition, the contractor has performed in good faith as per the direction of staff and is entitled to just compensation. Failure to provide that compensation may expose the City to further costs.*

**Legislative History**

7/25/05	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
9/26/05	City Commission	Approved as Recommended (6 - 0 - 1 Absent)

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**050591****Request to Refer the Realignment of NE 12th Avenue to the Public Works Committee (B)**

**This item requests the City Commission refer to the Public Works Committee for their review and recommendation regarding issues associated with the request from Wal-Mart for the realignment of NE 12th Avenue between Waldo Road and the Cedar Grove neighborhood.**

*Explanation: Wal-Mart representatives, in conjunction with their planning for the construction of a new Wal-Mart retail facility, desire to have the City of Gainesville consider allowing the relocation of NE 12th Avenue between Waldo Road on the west and the Cedar Grove neighborhood on the east. Referring this issue to the Public Works Committee would provide a mechanism for more detailed review and discussion at the Committee level prior to proceeding to potential public hearings for right of way vacation.*

*Fiscal Note: There is no fiscal impact at this time.*

**RECOMMENDATION**

*The City Commission refer to the Public Works Committee the review and recommendations regarding issues associated with the potential realignment of NE 12th Avenue between Waldo Road and the Cedar Grove neighborhood.*

*Alternative Recommendation A: The City Commission direct the City Manager to address a request to realign NE 12th Avenue between Waldo Road and the Cedar Grove neighborhood through the general development review and approval process. There is no fiscal impact at this time.*

*Alternative Recommendation B: The City Commission direct the City Manager to work with Wal-Mart representatives to schedule public hearings for right of way vacation of appropriate portions of NE 12th Avenue between Waldo Road and the Cedar Grove neighborhood at a future date. There is no fiscal impact at this time.*

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**050596****Twelfth Amendment to the Contract for Professional Consulting Services for the East Gainesville Sprout Project (B)**

**This item involves a request for the City Commission to approve additional**

**services and compensation for consulting services for the project.**

*Explanation:* This amendment is for additional work performed/to be performed by Environmental Consulting Technology, Inc. related to the "Depot Park" project for the site analyses, development plans and specifications and other services during construction for Phase 1 construction (West Pond and RTS pond). This amendment is necessary to adjust the budget for professional services to include work completed to date and allow for completion of a variety of tasks presented on the summary titled Depot Park - Proposed Amendment # 12, dated October 31, 2005. This adjustment also shifts project allocated budget between tasks where under/over runs were experienced as demonstrated on 'Cost Distribution Form - October 2005'.

*Fiscal Note:* The cost of additional services will be split between Gainesville Regional Utilities Gas Utility Fund and the City of Gainesville Stormwater Utility Fund in the amounts of \$90,912 and \$279,676, respectively. Funding for the stormwater and remediation work is available from the State Revolving Fund loan obtained for the project.

**RECOMMENDATION**

*Recommended Motion:* The City Commission: 1) accept the additional work described for the project, 2) authorize the City Manager or designee to execute Amendment # 12, and 3) to increase the current purchase order by \$370,588 for an amount not to exceed \$2,296,667.

*Alternative Recommendation A:* The City Commission: 1) accept the additional work for the dewatering activities as outlined in item 5.2.3 for the project, 2) authorize the City Manager or designee to execute Amendment # 12 that includes only item 5.2.3 and to increase the current purchase order by \$150,306 for an amount not to exceed \$2,076,385, and 3) refer the balance of the request back to staff for further analysis. Funding for the stormwater work would remain available from the State Revolving Fund loan obtained for the project.

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

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**050627**

**Request to Extend Fleet Accident Management Service Agreement (B)**

**This item involves exercising an option to extend the contract for Fleet Accident Management Services for one (1) year which will be the first of three (3) one-year extensions allowed in the Agreement.**

*Explanation:* In FY03-04, Fleet Management personnel reviewed the process for repairing

damaged fleet vehicles. The review confirmed that the process created extensive vehicle downtime to our operating departments and that it required several personnel hours from Fleet and Purchasing Division Staff. Staff concluded that the outsourcing of this function would provide cost saving opportunities by drastically reducing vehicle downtime. Additionally, staff time spent on the process would be reduced thereby allowing more time for other projects.

In September 2004, the City Commission approved a one-year contract with The CEI Group, Inc. to perform this service using local vendors who qualified for partnerships. The recommendation from staff included the piggy-backing on a contract that was competitively bid by the State of Washington.

*Fiscal Note:* Funds are available in Fleet Management's Operating Budget for FY05-06.

**RECOMMENDATION**

*Recommended Motion:* Based on the success of the program, staff is recommending that the City Commission: 1) approve a one-year extension of the current contract with The CEI Group, Inc.; and 2) authorize the City Manager or his designee to execute the contract extension.

*Alternative Recommendation A:* Other alternatives include returning to the former process at a higher cost to the City or to rotate the service through several Paint & Body vendors, which will result in increased staff time and vehicle downtime.

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**050630**

**Contract for the Purchase and Installation of Carpet in City Hall (B)**

**This item is for contracts to purchase and install new carpeting on all floors of City Hall.**

*Explanation:* The existing carpet in City Hall was installed in July of 1995 making it 10 years old. The Purchasing Division solicited bids in August, 2005 but received no bids. The carpeting was then re-bid and 7 bids were received on October 20, 2005. The bid request specified a particular brand of carpet but allowed bidders to propose other brands of equivalent quality. The bid document allowed the vendors to bid separately on the City Attorney's area, the City Auditor's Area, the City Commission and first floor area and the balance of City Hall. Staff recommends accepting the lowest price bid on each area as specified in the bid documents.

*Fiscal Note:* Funds are available in the Facilities Management budget for this carpeting.

**RECOMMENDATION**

*Recommended Motion:* The City Commission authorize the City Manager to: 1) enter into a contract with Gainesville Carpet and Flooring to replace the carpet in the City Attorney's area, the City Auditor's

area and on the 3rd floor of City Hall in an amount not to exceed \$38,000 which includes a 10% contingency; and 2) to enter into a contract with Workplace Solutions, Inc., to replace the carpet in the City Commission area and the rest of the first floor plus the balance of City Hall not already designated in an amount not to exceed \$58,000 which includes a 10% contingency.

*Alternative Recommendation A: The City Commission authorize the City Manager to enter into a contract with Workplace Solutions, Inc., of Jacksonville, to replace the carpet in City Hall with a less expensive grade carpet that did not pass the equivalency specification for an amount not to exceed \$88,480.26 which also includes a 10% contingency.*

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## 050631

### **Enhancements for the Gainesville Solar Walk (B)**

**This item is a request for the City Commission to authorize the Art in Public Places Trust to fund additional enhancements to the "Gainesville Solar Walk".**

*Explanation: In March 2002, artist Elizabeth Indianos installed a public art project in cooperation with the Alachua Astronomy Club titled "Gainesville Solar Walk" at a cost of \$30,000. Since this time the Art in Public Places Trust (APPT) has been cooperatively working with the Alachua Astronomy Club for additional enhancements to the site in order to make it an attraction for Gainesville. These enhancements include: repair to monuments, the design and fabrication of two benches by the solar walk artist, Elizabeth Indianos; installation of two pairs of interpretative signs designed by the Alachua Astronomy Club and graphic designer Saydi Kaufman and fabricated by Crystal Graphics, Inc., and installation of two donor plaques made by Creative Workshop, Inc.*

*Fiscal Note: Funding for one of the donation plaques will come from the Alachua Astronomy Club, Inc., the Trust will fund the other. Total cost to be funded out of the Art in Public Places Trust is \$8,540 for one donor plaque, monument repair, interpretive signage and benches.*

#### **RECOMMENDATION**

*Recommended Motion: The City Commission: 1) support and approve the APPT recommendations for the Solar Walk enhancements and authorize execution of a contract with Elizabeth Indianos for the two benches and repair work totaling \$5,050, (Ms. Indianos' original contract stipulated that any additional work on the project or repairs be done by her); 2) authorize the interpretative signage to be contracted with Crystal Graphics, Inc. in the amount of \$2,750; and 3) authorize the Trust's donor plaque to*

be created by The Creative Workshop in the amount of \$740.

*Alternative Recommendation A: The City Commission denies support for the request by the APPT to continue enhancements to the Solar Walk.*

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## 050632

### **Renewal of Blue Cross Blue Shield of Florida, Inc. Administrative Services Contract (B)**

**This item involves a request for the City Commission to approve the renewal of Blue Cross Blue Shield of Florida, Inc. as the third party administrator and network provider for the City of Gainesville's Self-funded Health Plan.**

*Explanation: Blue Cross and Blue Shield of Florida, Inc., has been the Administrator of the City's self-funded Group Health Plan since January 1, 1993. The City's contract with Blue Cross and Blue Shield of Florida, Inc., allows for annual renewals upon mutually agreeable rates. The current year renewal negotiations with Blue Cross Blue Shield of Florida, Inc. will result in slightly lower administrative fees for our Group Health Plan.*

*Blue Cross Blue Shield of Florida, Inc. continues to have the one of the largest networks in our area, and coupled with its nationwide affiliates, provides network coverage throughout the United States and many other countries worldwide. Currently, Blue Cross Blue Shield is the provider to many large employers in our area including the State of Florida, Shands, the School Board of Alachua County, Alachua County Board of County Commissioners and HCA. Blue Cross Blue Shield's market presence in Alachua County allows it to negotiate favorable cost of service contracts with the local medical community. These provider contracts result in substantial savings to the City's health plan and our employees. For the twelve months ended September 30, 2005 the savings realized based on billed versus the Blue Cross Blue Shield allowance amounted to approximately twelve million dollars. This discount rate was approximately sixty-two percent of the billed amount for services.*

*In addition to the favorable provider contracts, Blue Cross and Blue Shield maintains a local office that employs approximately thirty people. This local office has a specified individual dedicated to provide claims facilitation services to the City and its employees. This local presence allows employees to have face to face contact with a Blue Cross representative that has knowledge of our local providers and removes some of the depersonalization associated a 1-800 number.*

*Based on satisfactory past performance staff recommends that the City Commission authorize renewal of the Blue Cross and Blue Shield*



*Administrative Services Contract for the City's self-funded Group Health Plan for the 2006 plan year.*

*Fiscal Note: Funds of approximately \$1,580,000 have been budgeted in the Employee Health and Accident Benefits (EHAB) Fund.*

**RECOMMENDATION**

*The City Commission authorize the City Manager or his designee to negotiate and execute the renewal of the Administrative Services Contract with Blue Cross and Blue Shield of Florida, Inc., subject to approval from the City Attorney as to form and legality.*

*Alternative:*

*This item has been specified sourced and the renewal approved annually by the City Commission, due to Blue Cross and Blue Shield's extensive provider network, market share, and flexibility in plan design. In addition, the possibility of requiring employees to leave their current medical providers could have a significant impact on our covered members. However, should the City Commission wish, a formal Request for Proposals/Qualification process could be initiated in 2006 with any changes in supplier/coverages to be incorporated into the health plan year beginning January 1, 2007. The fiscal impact of this change is unknown at this time. Any savings or additional costs associated with a change in provider will be dependent on the network discounts available to our health plan.*

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**050652**

**Annexation of Beville/Dautel Property (B)**

**This item is the continuation of annexation of parcels to Gatorland Investments in the SW 20th Avenue area.**

*Explanation: Joel Beville, owner of Tax Parcel 06715-000-000, and Peter Dautel, owner of Tax Parcel 06711-000-000, have submitted petitions for voluntary annexation to the City of Gainesville. The properties are located south of the vicinity of Anglewood Subdivision and the City limits, west of the City limits, north of the vicinity of SW 20th Avenue, and east of SW 38th Terrace. Staff has determined that the petitions bear the signature of the property owners or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act. This area meets the requirements of the Act and is appropriate for annexation.*

*Fiscal Note: The fiscal impact of this annexation will be addressed in the urban services report.*

**RECOMMENDATION**

*The City Commission: 1) receive the petitions for annexation; and make findings that it contains the signatures of the property owners or authorized agents; 2) direct the City Manager to analyze the area;*

and, 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.

*Alternative Recommendation: The City Commission deny acceptance of the petitions.*

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## 050659

### **Breathing Air Compressor (B)**

#### **Request to purchase a breathing air compressor for the Fire Rescue Department**

*Explanation: The Gainesville Fire Rescue (GFR) Department has owned, operated, and maintained a breathing air system to refill emergency breathing devices. The systems in place have allowed us to provide immediate refill capability to meet our needs as well as the breathing air needs of other community response partners. Our compressors are routinely certified for their air quality and are given regular preventative maintenance from a certified repair agency. The compressor was originally purchased in May of 1975 and has exceeded its life expectancy. Over the last 30 years, this compressor has been rebuilt twice. The maintenance company recently noted an increase in metal levels in the compressor oil that may indicate major repairs will be needed. As of November 13, 2005, the compressor started making an unusual noise and was shut off. The compressor has been placed "out-of-service".*

*In October of 2004, GFR was awarded the 2004 Assistance to Firefighter Grant in the amount of \$297,042 for self-contained breathing apparatus (SCBA). Staff currently uses 30-minute low-pressure systems for structural firefighting and 60 minute high-pressure systems for hazardous materials response. Due to the realities facing emergency responders as a requirement of our grant provided funding source, staff recommend SCBA's that are approved by the National Institute for Occupational Safety and Health (NIOSH). Low-pressure SCBA's are being phased out. High-pressure SCBA's are becoming the standard and provide 30-60 minutes of breathing air in a tank that can be worn with relative comfort and maneuverability. Because of the smaller size and lower profile, the high-pressure tanks provide a greater degree of safety when working in confined spaces.*

*In 2005, staff decided to forgo our routine replacement of other protective gear to make the purchase, and identified a system that we believe meets our needs for under \$29,000. We pride ourselves on our ability to partner with other agencies to provide quality protection of our citizens and community workers. GFR refills tanks for Gainesville Regional Utilities for use in the water and wastewater treatment facilities, as well as for other service providers in the community. GFR has asked these agencies that are supported for breathing air needs if they would help us by defraying the cost of this replacement. We intend*

to continue supporting the other agencies' breathing air needs regardless of their ability to assist us with this purchase. Gainesville Regional Utilities Water/Wastewater Department has committed \$2,500 towards the purchase. Donations in the amount of \$900 have also been received from a local business, Clariant, that uses the compressor. The current compressor may be traded in for a value of \$800.

The City Manager approved the transfer of year-end operating funds to a capital account for the replacement of a breathing air system so that staff may issue an invitation to bid, and subsequent purchase order to the appropriate vendor. On September 27, 2005, the GFR Department solicited bids from 4 potential vendors. All vendors responded with one being a no bid. After evaluation of the bids, staff recommends awarding the purchase to Channel Innovations Corporation.

*Fiscal Note:* The total amount of the purchase price is \$28,805 less \$3,400 in donations for a purchase order not to exceed \$25,405. The purchase price includes a trade-in for the existing compressor and storage cylinders in the amount of \$800.

**RECOMMENDATION**

*Recommended Motion:* The City Commission authorize the City Manager to: 1) execute the purchase order to Channel Innovations Corporation for the purchase of a breathing air compressor system in the amount not to exceed \$28,805; 2) establish a capital account for transfer of the donations received and FY 2005 year-end operating funds; and 3) execute any other necessary documents, pending review by the City Attorney as to form and legality.

*Alternative Recommendation A:* The City Commission request staff consider the model without the drain valve. In an effort to look for a less expensive unit, staff received a quote for \$27,000. This model does not have a drain valve, is harder to use, and has a smaller pump volume requiring the compressor to work harder and longer to accomplish the same system refill.

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## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

### 050536

#### **Independent Consultation on Options for Meeting the Electrical Supply Needs of the Gainesville Community (NB)**

**The selection of GDS Associates, Inc. to review and prepare a written opinion on ICF Consulting's draft report on options for meeting future electrical supply needs of the Gainesville community.**

*Explanation:* At the November 14, 2005 City Commission Meeting, staff was directed to contact GDS Associates, Inc. to discuss their review of the written draft report prepared by ICF Consulting. Further, staff was directed to discuss an

*accelerated schedule to accomplish this scope of work. Finally, request the City Commission to authorize the General Manager or his designee to negotiate and execute the contract with GDS Associates, Inc. to perform the scope of work.*

**RECOMMENDATION**

*The City Commission: Authorize the General Manager or his designee to negotiate and executive the contract not to exceed \$25,000 with GDS Associates, Inc., subject to approval of the City Attorney as to form and legality, for review of the written draft report prepared by ICF Consulting, Independent Consultant for meeting the electrical supply needs of the Gainesville community.*

**Legislative History**

10/24/05	City Commission	Approved as Recommended (7 - 0)
11/7/05	City Commission	Heard
11/10/05	City Commission	Discussed
11/14/05	City Commission	Approved, as shown above (See Motion)

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**050692****Purchase of Combustible Gas Indicators (NB)**

*Explanation: Staff is requesting the purchase of combustible gas indicators from J and N Enterprises as a specified source and authorize the issuance of a purchase order for equipment, training and miscellaneous expenses.*

*Fiscal Note: Funding for this request is included in the General Plant Division 157 Budget for FY 2006.*

**RECOMMENDATION**

*The City Commission approve the issuance of a purchase order to J and N Enterprises, as a specified source, for combustible gas indicators in the amount of \$51,951.85.*

**050693****Extension of Contract for Customer Bulletin (NB)**

**Staff is requesting to execute an amendment to the contract with Beechler Waters Commercial Printers and Mailers for printing the Customer Bulletin.**

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

*A three-year contract with Beechler Waters Commercial Printers and Mailers*

was approved by the City Commission on October 14, 2002. The contract provides for two one year extensions upon negotiation of the contract pricing. The printing company has provided good service while maintaining its original bid price. Beechler Waters Commercial Printers and Mailers, a local small business, has agreed to extend the contract under the same pricing for one year.

*Fiscal Note:* Funding for printing the Customer Bulletin is included in the Communications Department's budget for FY 2006.

**RECOMMENDATION**

The City Commission authorize the General Manager, or his designee, to execute an amendment to the contract with Beechler Waters Commercial Printers and Mailers, subject to approval of the City attorney as to form and legality, for printing the Customer Bulletin and approve the issuance of a purchase order to Beechler Waters Commercial Printers and Mailers in an amount not-to-exceed \$72,000.

**050694**

**Contract for Installation of Underground Gas Pipeline (B)**

**Staff is requesting to execute a three year contract with T.B. Landmark Construction, Inc., for the installation of underground gas pipelines.**

*Explanation:* The proposed contract provides for the installation of approximately 55,000 total feet of various sizes of polyethylene plastic and steel gas pipe and appurtenances in various locations in throughout the natural gas distribution system service area over a three year time period. The installation of gas pipe is required for new and existing subdivisions as the system is expanded.

Invitations to Bid were sent to four companies capable of providing these services. Two companies responded with bids and one submitted a no bid due to previous work commitments. The two bids received were evaluated using representative samples of the proposed work and the bidder's prices. The responsive, responsible low bidder is T.B. Landmark Construction, Inc. A copy of the bid tabulation is included for your information.

*Fiscal Note:* Funds for these services are included in the FY 2006 Utilities Budget.

**RECOMMENDATION**

The City Commission: 1) authorize the General Manager or his designee to execute a three year contract with T.B. Landmark Construction, Inc., for the installation of underground gas pipelines, subject to the approval of the City Attorney as to form and legality, and 2) approve the issuance of purchase orders to T.B. Landmark Construction in amounts not to exceed budgeted amounts in each fiscal year.

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**050695****Agreement for Telecommunications Consulting Services - HIKE & Co., Inc. (NB)**

**Staff requests authorization to negotiate and execute a contract amendment with HIKE & Company, as a specified source, for telecommunications consulting services on an as needed basis for a twelve-month term ending January 13, 2007.**

*Explanation: HIKE & Company has been GRUCom's primary telecommunications consultant since 1995 and has been involved in almost all development activities. The Consultant has assisted the utility through the successful start-up phase of the Competitive Access Provider and Internet Service Provider businesses. Of particular importance, the Consultant has been instrumental in developing business relationships with other carriers and key customers with whom they have strategic business relationships. The interface the consultant provides between and the telecommunications system and its key customers enables it to respond effectively to the many issues it faces in the competitive telecommunications industry. These relationships have aided system expansion and sales growth, and are invaluable.*

*During the past ten years, the Consultant has acquired a unique and intimate knowledge of telecommunications system's plans, operations, customers and issues and has demonstrated a sincere commitment to the systems' success. Although other firms may have similar qualifications, the Consultant's knowledge, relationships, and shared history with GRUCom are extremely valuable and important for continued success. These attributes could only be replaced in conjunction with an extended learning curve on the part of a new service provider. The quality of the Consultant's work is considered high and the rates and charges are competitive with the market for similar services. For these reasons it is recommended that the Consultant be retained for as-needed telecommunication consulting services.*

*The current contract with the Consultant expires on January 13, 2006. The amendment will extend the contract, based on the same terms and conditions, for an additional twelve months, through January 13, 2007.*

*Fiscal Note: Funds for these services are available in the approved GRUCom Capital and Operating budgets for FY 2006 and will be requested in the FY 2007 budget.*

**RECOMMENDATION**

*The City Commission: 1) Authorize the General Manager or his designee to negotiate and execute a contract amendment with HIKE & Company, as a specified source, for telecommunications consulting services on an as needed basis for a twelve-month term ending January 13, 2007, subject to the approval of the City Attorney as to form and legality; and 2) Approve the issuance of purchase orders in amounts not exceeding \$75,000 for these services.*

**CITY ATTORNEY, CONSENT AGENDA ITEMS****CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****050703 City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of November 7 and November 10, (Special Meetings); and November 14, 2005 (Regular Meeting); as circulated.*

**050670****Resignation of Student Adjunct Advisory Board/Committee Member  
Ashlee Dozier (B)****RECOMMENDATION**

*The City Commission accept the resignation of Student Adjunct Member Ashlee Dozier from the Public Recreation Board effective immediately.*

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**050691****Resignation of Student Adjunct Advisory Board/Committee Member  
Justin Kristan (B)****RECOMMENDATION**

*The City Commission accept the resignation of Student Adjunct Member Justin Kristan from the Bicycle-Pedestrian Advisory Board effective immediately.*

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**050700****Resignation of Advisory Board/Committee Member Jack Hughes from the  
Nature Centers Commission (B)****RECOMMENDATION**

*The City Commission accept the resignation of Jack Hughes from the Nature Centers Commission effective immediately.*

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**050671****Advisory Board/Committee Appointment of Laura N. NeSmith to the Art  
in Public Places Trust (NB)****RECOMMENDATION**

*The City Commission appoint Laura N. NeSmith to the*



*Art in Public Places Trust for a term to expire November 1, 2008.*

*Commissioner Braddy: NeSmith*

*Commissioner Bryant: Taylor*

*Commissioner Chestnut: NeSmith*

*Commissioner Donovan: Taylor*

*Commissioner Lowe: NeSmith*

*Commissioner Nielsen: NeSmith*

*Mayor Hanrahan: NeSmith*

**050672**

**Advisory Board/Committee Appointment of John W. Holloway to the Bicycle-Pedestrian Advisory Board (NB)**

**RECOMMENDATION**

*The City Commission appoint John W. Holloway to the Bicycle-Pedestrian Advisory Board for a term to expire December 31, 2008.*

*Commissioner Braddy: Holloway*

*Commissioner Bryant: Holloway*

*Commissioner Chestnut: Holloway*

*Commissioner Donovan: Stoffs*

*Commissioner Lowe: Stoffs*

*Commissioner Nielsen: Stoffs*

*Mayor Hanrahan: Holloway*

**050675**

**Advisory Board/Committee Appointments of James D. Harnsberger, Mary E. Litrico and Debra Neill-Mareci to the Board of Adjustment. (NB)**

**RECOMMENDATION**

*The City Commission appoint James D. Harnsberger and Mary E. Litrico for terms to expire November 1, 2008 and appoint Debra Neill-Mareci for a vacancy to expire November 1, 2006 to the Board of Adjustment .*

*Commissioner Braddy: Harnsberger, Litrico and Neill-Mareci*

*Commissioner Bryant: Ervin, Harnsberger and Neill-Mareci*

*Commissioner Chestnut: Ervin, Harnsberger and Neill-Mareci*

*Commissioner Donovan: Harnsberger, Litrico and Neill-Mareci*

*Commissioner Lowe: Harnsberger, Litrico and Neill-Mareci*

*Commissioner Nielsen: Harnsberger, Litrico and Neill-Mareci*

*Mayor Hanrahan: Harnsberger, Litrico and Neill-Mareci*



**050676****Advisory Board/Committee Appointments of Mary Lou Anderson, Mary H. Freeman and Gloria Lopez to the Citizens' Advisory Committee for Community Development (NB)****RECOMMENDATION**

*The City Commission appoint Mary Lou Anderson, Mary H. Freeman and Gloria Lopez to the Citizens' Advisory Committee for Community Development for terms to expire November 1, 2008.*

*Commissioner Braddy: Freeman, Lopez and Readvertise*

*Commissioner Bryant: Anderson, Freeman and Lopez*

*Commissioner Chestnut: Anderson, Freeman and Lopez*

*Commissioner Donovan: Anderson, Freeman and Lopez*

*Commissioner Lowe: Anderson, Freeman and Lopez*

*Commissioner Nielsen: Freeman and Readvertise*

*Mayor Hanrahan: Anderson, Freeman and Lopez*

**050678****Advisory Board/Committee Appointments of Feliz M. Berardo, Nancy K. Heiser, Beth W. Jordan, Danika R. Randolph, and Taryn L. Stoffs to the City Beautification Board (NB)****RECOMMENDATION**

*The City Commission appoint Felix M. Berardo, Danika R. Randolph, and Taryn L. Stoffs and reappoint Nancy K. Heiser and Beth W. Jordan, to the City Beautification Board for terms to expire November 1, 2008.*

*Commissioner Braddy: Berardo, Heiser, Jordan, Randolph and Stoffs*

*Commissioner Bryant: Berardo, Heiser, Jordan, Randolph and Stoffs*

*Commissioner Chestnut: Berardo, Heiser, Jordan, Randolph and Stoffs*

*Commissioner Donovan: Berardo, Heiser, Jordan, Randolph and Stoffs*

*Commissioner Lowe: Berardo, Heiser, Jordan, Randolph and Stoffs*

*Commissioner Nielsen: Berardo, Heiser, Jordan, Randolph and Stoffs*

*Mayor Hanrahan: Berardo, Heiser, Jordan, Randolph and Stoffs*

**050679****Advisory Board/Committee Appointments of Lauren W. McDonell, Matthew A. Cole and Jon Reiskind to the City Plan Board. (NB)****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*

**050680****Advisory Board/Committee Appointments of Stephen R. Boyes and Taylor T. Brown to the Development Review Board (NB)****RECOMMENDATION**

*The City Commission reappoint Stephen R. Boyes and appoint Taylor T. Brown to the Development Review Board for terms to expire November 1, 2008.*

*Commissioner Braddy: Patel and Re-advertise*

*Commissioner Bryant: Boyes and Brown*

*Commissioner Chestnut: Boyes and Brown*

*Commissioner Donovan: Boyes and Brown*

*Commissioner Lowe: Boyes and Brown*

*Commissioner Nielsen: Boyes and Brown*

*Mayor Hanrahan: Boyes and Brown*

**050683****Advisory Board/Committee Appointment of Alfred H. Smith to the Gainesville Enterprise Zone Development Agency (NB)****RECOMMENDATION**

*The City Commission reappoint Alfred H. Smith (Code Enforcement Officer) to the Gainesville Enterprise Zone Development Agency for a term to expire March 31, 2008.*

*Commissioner Braddy: Smith*

*Commissioner Bryant: Smith*

*Commissioner Chestnut: Smith*

*Commissioner Donovan: Smith*

*Commissioner Lowe: Smith*

*Commissioner Nielsen: Smith*

*Mayor Hanrahan: Smith*

**050684**

**Advisory Board/Committee Appointment of Mary Ann Gularte to the Gainesville Human Rights Board (NB)**

**RECOMMENDATION**

*The City Commission appoint Mary Ann Gularte to the Gainesville Human Rights Board for a term to expire February 2, 2008.*

*Commissioner Braddy: Gularte*

*Commissioner Bryant: Gularte*

*Commissioner Chestnut: Gularte*

*Commissioner Donovan: Gularte*

*Commissioner Lowe: Gularte*

*Commissioner Nielsen: Gularte*

*Mayor Hanrahan: Gularte*

**050685**

**Advisory Board/Committee Appointment of Gloria Lopez to the Gainesville/Alachua County Cultural Affairs Board (NB)**

**RECOMMENDATION**

*The City Commission appoint Gloria Lopez to the Gainesville/Alachua County Cultural Affairs Board for a term to expire September 30, 2008.*

*Commissioner Braddy: Lopez*

*Commissioner Bryant: Lopez*

*Commissioner Chestnut: Readvertise*

*Commissioner Donovan: Lopez*

*Commissioner Lowe: Lopez*

*Commissioner Nielsen: Lopez*

*Mayor Hanrahan: Readvertise*

**050686**

**Advisory Board/Committee Appointment of Jeanna M. Mastrodicasa and William E. Warinner to the Historic Preservation Board (NB)**

**RECOMMENDATION**

*The City Commission reappoint Jeanna M. Mastrodicasa and appoint William E. Warinner to the Historic Preservation Board for terms to expire June 1, 2008.*

*Commissioner Braddy: Warinner and Readvertise*

*Commissioner Bryant: Mastrodicasa and Warinner*

*Commissioner Chestnut: Mastrodicasa and Warinner*

*Commissioner Donovan: Mastrodicasa and Warinner*

*Commissioner Lowe: Mastrodicasa and Warinner  
Commissioner Nielsen: Mastrodicasa and Warinner  
Mayor Hanrahan: Mastrodicasa and Warinner*

**050687****Advisory Board/Committee Appointments of Alison M. Erlenback and Susan K. Jacobson to the Nature Centers Commission (NB)****RECOMMENDATION**

*The City Commission appoint Alison M. Erlenback and Susan K. Jacobson to the Nature Centers Commission for terms to expire November 1, 2008.*

*Commissioner Braddy: Erlenbach and Jacobson*

*Commissioner Bryant: Erlenbach and Jacobson*

*Commissioner Chestnut: Erlenbach and Jacobson*

*Commissioner Donovan: Erlenbach and Jacobson*

*Commissioner Lowe: Erlenbach and Jacobson*

*Commissioner Nielsen: Erlenbach and Jacobson*

*Mayor Hanrahan: Erlenbach and Jacobson*

**050688****Advisory Board/Committee Appointments of Paula D. Austin, Priscilla Caplan, John A. Hughes, Sunil B. Patel and Mark R. Wellner to the Public Recreation Board (NB)****RECOMMENDATION**

*The City Commission appoint Paula D. Austin to a term to expire June 1, 2008, reappoint Priscilla Caplan and John A. Hughes to terms to expire June 1, 2008, and appoint Sunil B. Patel and Mark R. Wellner to vacancies to expire June 1, 2007 on the Public Recreation Board.*

*Commissioner Braddy: Caplan, Gibbons, Hughes, Krajick and Wellner*

*Commissioner Bryant: Austin, Caplan, Hughes, Patel and Wellner*

*Commissioner Chestnut: Austin, Caplan, Hughes, Ngozi, and Patel*

*Commissioner Donovan: Austin, Caplan, Hughes, Welge and Wellner*

*Commissioner Lowe: Austin, Caplan, Hughes, Ngozi, and Patel*

*Commissioner Nielsen: Caplan, Hughes, Patel, Welge and Wellner*

*Mayor Hanrahan: Austin, Caplan, Hughes, Ngozi and Welge*

**050689****Advisory Board/Committee Appointment of Valerie Rosenkrantz to the Regional Transit System Advisory Board (NB)****RECOMMENDATION**

*The City Commission appoint Valerie Rosenkrantz to the Regional Transit System Advisory Board for a term to expire June 1, 2008.*

*Commissioner Braddy: Rosenkrantz*

*Commissioner Bryant: Rosenkrantz*

*Commissioner Chestnut: Rosenkrantz*

*Commissioner Donovan: Rosenkrantz*

*Commissioner Lowe: Rosenkrantz*

*Commissioner Nielsen: Rosenkrantz*

*Mayor Hanrahan: Rosenkrantz*

**050690****Advisory Board/Committee Appointments of Joe Durado and Francis Putz to the Tree Advisory Board (NB)****RECOMMENDATION**

*The City Commission appoint Joe Durado and Francis Putz to the Tree Advisory Board for terms to expire January 1, 2008.*

*Commissioner Braddy: Durado and Putz*

*Commissioner Bryant: Durado and Putz*

*Commissioner Chestnut: Durado and Putz*

*Commissioner Donovan: Durado and Putz*

*Commissioner Lowe: Durado and Putz*

*Commissioner Nielsen: Durado and Putz*

*Mayor Hanrahan: Durado and Putz*

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****AUDIT AND FINANCE COMMITTEE, CONSENT****050648****Review of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2006 (B)**

*Explanation: In accordance with Section 12(a), Budget Reviews, of Commission Resolution 970187 and our Annual Audit Plan, we have completed our review of General Fund revenue estimates as presented by the City Manager in the proposed General Government Budget for the fiscal year ending September 30, 2006 (the forecast).*

We reviewed the forecasted General Fund Revenues and Other Sources of Funds set forth in the Fiscal Year 2005-2006 Final General Operating and Financial Plan Budget adopted by the City Commission on September 26, 2005. Our objective was to determine whether data, methods and assumptions used by the City Manager in preparing projected General Fund Revenues and Other Sources of Funds in the amount of \$85,940,405 provide a reasonable basis for the forecast. Our review was conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States and included procedures we considered necessary in the circumstances to evaluate the assumptions used by management in preparing and presenting the forecast.

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

Legislative History

11/21/05 Audit and Finance Committee Recommended for Approval  
050648A&F112105.pdf  
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**050649**

**Summary Report of Payroll Payoff Procedures for Fiscal Year 2005 (B)**

*Explanation:* In accordance with our Annual Audit Plan, we performed surprise payroll payoff procedures on a test basis during Fiscal Year 2005. Our review was conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States. Our procedures were designed to provide reasonable assurance to the City Commission and management that payroll disbursements were issued to actual employees of the City of Gainesville for services provided.

For each selected division, we took possession of the payroll checks and direct deposit slips, verified payment information to the Payroll Register Report and distributed them to the individual payees at their job sites. We required each employee to provide picture identification and sign for receipt of their check or deposit slip. On a test basis, we also reviewed payroll reports for unusual items and computational errors.

None of our procedures performed during Fiscal Year 2005 indicate that payroll disbursements were made to other than authorized employees of the City of Gainesville.

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

Legislative History

11/21/05 Audit and Finance Committee Recommended for Approval  
050649A&F112105.PDF  
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**050650****Petty Cash and Change Fund Counts for Fiscal Year 2005 (B)**

*Explanation: In accordance with our Annual Audit Plan, we performed surprise counts of petty cash and change funds during Fiscal Year 2005. Our review was conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States. Our procedures were designed to provide reasonable assurance that adequate policies and procedures over the control of petty cash and change funds are in place and observed. Although individual expenditures from petty cash funds are small and normally less than \$50, the volume of transactions may be moderately high. Assuming all petty cash funds are replenished bi-monthly, estimated annual expenditures from these funds are approximately \$55,000.*

*There are 59 active petty cash/change funds maintained in General Government and Gainesville Regional Utilities. Our procedures generally consisted of performing surprise test counts on selected funds and reviewing cash, receipts and other records as necessary to determine whether funds were adequately secured, expended for an appropriate public purpose and properly accounted for. The City Auditor's Office advises management of count results and distributes a brochure offering helpful tips to custodians.*

**RECOMMENDATION**

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

**Legislative History**

11/21/05      Audit and Finance      Recommended for Approval  
    Committee  
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**PUBLIC SAFETY COMMITTEE, CONSENT****050230****Homeland Security Issues (B)**

*Explanation: The City Commission referred this item to the Public Safety Committee to receive a report from staff on local efforts and involvement related to Homeland Security. The Public Safety Committee heard a report from Gainesville Police Department staff on November 17, 2005 and wish to share the report with the full City Commission.*

**RECOMMENDATION**

*The City Commission receive the Homeland Security report presented to the Public Safety Committee and remove this item from the committee's pending referral list.*

**Legislative History**

7/25/05      City Commission      Referred (5 - 0 - 2 Absent)      Public Safety Committee  
 9/15/05      Public Safety      Postponed  
    Committee

11/17/05 Public Safety Discussed  
Committee  
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**050224****Bank of America - Robert Pearce - Citizen Comment (B)**

*Explanation: The Public Safety Committee held three meetings to discuss several items of concern regarding Mr. Pearce's complaints of noise occurring in the late night and early morning hours around the drive through ATM machine at the Bank of America, located at 1116 W. University Avenue. After review of the documentation provided by Mr. Pearce and by City Planning staff, the Committee is recommending that a letter be sent to the Bank of America outlining the issues and requesting its voluntary cooperation and assistance in resolving the noise complaints generated at that location by limiting operating hours of the drive through ATM machine to regular business hours in addition to posting the property in conformity with the city's noise ordinance.*

**RECOMMENDATION**

*The City Commission 1) authorize the Public Safety Committee to send a letter to the Bank of America in an effort to abate the noise concerns addressed by Mr. Pearce and 2) retain this item on the Public Safety Committee's referral list until after a response has been received by Bank of America.*

**Legislative History**

7/25/05	City Commission	Referred (5 - 0 - 2 Absent)	Public Safety Committee
9/15/05	Public Safety Committee	Discussed	
10/20/05	Public Safety Committee	Discussed	
11/17/05	Public Safety Committee	Discussed	

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050224b\_200511281300.pdf

**041097****City Co-Sponsorship and Expense Allocation for Public Events (NB)**

**This is a request to remove the item from the Public Safety Committee's referral list.**

*Explanation: This was a dual referral to the Recreation and Cultural Affairs Committee and is related to file #041098. A joint meeting was held with the Public Safety Committee on July 7, 2005. The Recreation and Cultural Affairs Committee provided a report to the City Commission on September 26, 2005 where the referral was removed from the Recreation and Cultural Affairs Committee pending referral list.*

**RECOMMENDATION**

*The City Commission remove this item from the Public Safety Committee pending referral list.*



Legislative History

3/14/05	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
3/14/05	City Commission	Referred	Public Safety Committee
6/16/05	Public Safety Committee	Discussed	
7/7/05	Recreation and Cultural Affairs Committee	Discussed	

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****050614****Depot Park Update (B)**

**This item is a status report on the current construction activities and ongoing planning of site cleanup and reuse.**

*Explanation: PHASE 1 - RTS/WEST POND CONSTRUCTION AND STORMWATER CONVEYANCE*

*On February 21, 2005, the City held a groundbreaking ceremony on the site which was attended by community members and government representatives. In June, Watson Construction began working at the former MCB Oil site to construct two stormwater ponds with associated aquatic plantings and a storm drainage conveyance system. Other work includes downstream ditch realignment and restoration and remediation of a minimal amount of coal tar discovered during replacement of a stormwater culvert immediately south of SE Veitch St. Additionally, petroleum impacts were found during excavation on the former MCB Oil site and are currently being addressed. The contractor also discovered a significant amount of unforeseen construction debris during the pond excavations. It is believed the buried debris originated from the decades-old demolition of structures that once existed on the site. The type of debris mandated special accommodations for its disposal at a landfill approved to handle this type of material. The project originally required that all groundwater removed during pond excavation be pretreated prior to being discharged to GRU's wastewater treatment plant. However, verification testing revealed undetectable contamination levels in the area that permitted direct*

*discharge to the plant without pretreatment for the RTS pond only. The contractor is nearing completion of the RTS pond and is well underway in the excavation of the West Pond. The dewatering operation and pretreatment system will remain operational until the pond liner and backfill are in place and the ponds are filled with water. Excessive rain and changes in the pretreatment system design slowed progress early on in the project, but due to the Contractor's recent efforts, the project is close to being back on schedule. Completion is expected by the end of November or early December.*

#### *PHASE 2 - REMEDIATION/EAST POND/DEPOT AVENUE RECONSTRUCTION*

*GRU submitted the Remedial Action Plan (RAP) to the Florida Department of Environmental Protection (FDEP) in late 2004 and has been working with its consultants and FDEP to resolve outstanding issues and secure conditional approval of the RAP by the end of this year. These issues primarily involve performance criteria for the thermal treatment unit (TTU), alternative effluent discharge options for treated groundwater, perimeter air monitoring and sampling and analysis plans. Final RAP approval would be obtained after a TTU vendor is selected through the bidding process and specific information regarding the TTU is provided to FDEP. GRU and FDEP are also in the process of finalizing a second amendment to the FDEP/GRU funding allocation agreement for the Poole Roofing/Depot Ave. cleanup. This amendment will provide for a more streamlined and efficient process for administering the cleanup and associated funding. The amendment will be presented to the City Commission for approval within the next several months. Concurrently, GRU has been working on pre-bid solicitation activities including development of specifications for the TTU, conducting a bid document constructability analysis for remediation-related activities, and pre-qualifying TTU and air monitoring vendors. Staff is making progress on establishing contract management and cost accounting procedures related to the remediation, civil engineering, and roadway reconstruction. Revised plans and specifications for the entire Phase 2 project are expected in January 2006. Staff anticipates letting the project to bid during the first half of 2006.*

#### *PROJECT FUNDING*

*Public Works staff obtained funding from two sources totaling \$498,800.00 in 2005. The first source is a St. Johns River Water Management District grant of \$350,000 for constructing the Sweetwater Interceptor, a project that will divert stormwater from Sweetwater Branch to the Depot Park basin. The second source is an award of \$148,800 from US Department of Housing and Urban Development (HUD) for developing recreation facilities. Recognizing the large gap in funds for park development, a staff team was assembled this spring to develop a fundraising strategy. Staff presented the proposed funding strategy to the East Gainesville SPROUT Project Task Force, which provided feedback and fine-tuning. Staff has also initiated planning to develop capital improvements and maintenance budgets for the project. The Poole Roofing/Depot Ave. cleanup will be jointly funded by GRU and FDEP pursuant to a funding allocation agreement that apportions eligible costs between the Pre-approved Petroleum Cleanup Program for petroleum impacts and GRU for coal tar impacts. The remediation of contamination, the reconstruction of Depot Avenue*

between South Main Street and SE 4th Street, and the construction of the stormwater components are presently funded through the State Revolving Fund construction loan obtained last year and other funding allocated by the City Commission.

#### LAND RIGHTS

FDOT transferred ownership of the parcel beneath the depot building to the city in April of this year. This transfer conveys the last remaining piece of property to the city to facilitate remediation and complete the park area as envisioned in the original development concept.

*Fiscal Note:* None

#### RECOMMENDATION

Hear a presentation from staff on the status of the project.

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## GENERAL MANAGER FOR UTILITIES

### 050697

#### Advanced Utility Services University Corners Project (B)

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

*Explanation:* Since the summer of 2004 staff and the developers of the University Corners project have been exploring ways to make it a model of energy efficiency and advanced utility services. The Memorandum of Understanding (MOU) is the result of those discussions to date, and provides a framework to provide University Corners with chilled water for air conditioning, emergency generation, and a communications network for the delivery and installation of advanced communication services such as Internet access, private line data, telephone, and video. The provision of television type entertainment services is among a range of issues currently under consideration as part of a previous referral to the Regional Utilities Committee.

Chilled water for air conditioning can be very energy efficient but is only cost-effective for large installations. Two municipal utilities in Florida, JEA and the Orlando Utilities Commission, provide chilled water as a utility service to their downtown areas as a way to make these systems more cost-effective and available. Staff is proposing to provide similar services to the University Corners development, with a long-range intent to potentially offer these services to other projects. Compared to a conventional direct expansion air conditioning system (similar to most apartment buildings in Gainesville), chilled water can reduce energy consumption for air conditioning by as much as half. Space for the chilled water plant has been reserved by the developer

*within the project limits of the University Corners development. However, in accordance with the MOU, the City retains the option to locate an alternative site suitable for the placement of the facilities that would be more advantageous for the City. If staff determines an alternative site is in the City's best interest, acquisition of the site will be submitted to the City Commission for approval.*

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

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

*The Memorandum of Understanding calls for chilled water, emergency generation, Internet access, local telephone service, and standard television packages to be purchased in bulk by the Master Association. Individuals will be able to purchase additional services as desired. The bulk contract aspect of the Memorandum of Understanding greatly enhances the feasibility of the advanced utility services as well as reduces costs for the users.*

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

**Fiscal Note:** *The System's capital investment will be in the range of \$4 to \$7 million for chilled water, generation, and network facilities. Staff will not recommend any agreements that will not recover the System's capital and operating costs as well as earning a rate of return commensurate with other System investments and expenditures. Funding for this project has not been included in the approved budget for FY 2006, but will be included in the budget for FY 2007. Depending upon the cost for property acquisition and the availability of capital funds in the current fiscal year, staff may recommend a budget amendment.*

**RECOMMENDATION**

*The City Commission authorize the General Manager or his designee to negotiate and execute final agreement pursuant to the attached Memorandum of Understanding with University Development of Gainesville, LLC, for Gainesville Regional Utilities to provide advanced utility services to the University Corners Development, including chilled water for air conditioning, emergency generation, and a network for the delivery and distribution of advanced communication services such as Internet access,*

*private line data, telephone, and video entertainment, subject to approval of the City Attorney as to form and legality.*

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## **CITY ATTORNEY**

## **CITY AUDITOR**

## **EQUAL OPPORTUNITY DIRECTOR**

## **COMMITTEE REPORTS (PULLED FROM CONSENT)**

## **PUBLIC SAFETY COMMITTEE**

### **050495**

#### **Request to Review Tow Rates and Status of Towing Advisory Board (B)**

*Explanation: The City Commission referred this item to the Public Safety Committee on October 2, 2005 to address the proposed rate increase and the status of the Towing Advisory Board. Ultimate Towing submitted a request to the City on September 28, 2005 to increase the maximum trespass towing rate from the current \$76 (adopted by resolution on 12/8/03) to \$90. The proposed increase is said to offset additional expenses incurred by towing companies for driver salaries, maintenance and repair of vehicles, fuel price increases and insurance increases.*

*The Public Safety Committee met on October 20, 2005 to discuss the referral and heard from towing industry, staff and the Towing Advisory Board chair. Because the ordinance requires that maximum fees be set by resolution to be adopted by the City Commission prior to December 31 of each year, it was necessary for the committee to make their recommendation based on the information presented at this meeting by the towing industry. The committee discussed the process, last year's recommendation to the commission, and the Towing Advisory Board's past participation in the review of the rate increase. The Committee did not feel they had been provided adequate information to recommend a dollar amount of increase to the City Commission.*

*At the November 14, 2005 City Commission meeting, representatives of the towing industry provided additional rate information for consideration. The City Commission referred this back to the Public Safety Committee to return with a recommended tow rate. The Public Safety Committee considered this information, as well as Transportation CPI and survey information provided by staff at the November 17, 2005 meeting.*

*As to the Towing Advisory Board, the Committee agreed with staff's recommendation to officially sunset the board, but to keep the discussion of roam towing in the Public Safety Committee. Additionally, the committee would*

*request the City Commission ask the City Manager 1) to have staff undertake an analysis to include a peer review of rates from 10-30 towing companies in cities of similar sizes, 2) look at what the price of doing business is, and 3) conduct an assessment on how to make this a more competitive enterprise, looking at education, and the occasional abuse from the towing companies that generate into complaints. For future years, when these requests for increase in fees come up, the committee will have had more time to deliberate and more information with which to base a recommendation.*

**RECOMMENDATION**

*The City Commission 1) accept the Public Safety Committee's recommendation to increase the roam tow fees from \$76 to \$84 effective January 1, 2005, 2) consider an amendment to the ordinance for future increases that the city accept an annual percentage increase (or decrease) reflecting the Transportation CPI or 2%, whichever is lower, 3) officially sunset the Towing Advisory Board, 4) take necessary action to set the maximum fees by resolution of the City Commission prior to December 31st, and 5) retain the roam towing discussion on the Public Safety Committee referral list for discussion of future survey rate information, to be provided by the City Manager, as noted in the explanation.*

**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 Committee	Discussed	
11/14/05	City Commission	Continued (7 - 0)	
11/17/05	Public Safety Committee	Discussed	
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		050495b_200511281300.pdf	
		050495c_200511281300.pdf	
		050495d_200511281300.pdf	
		050495e_200511281300.pdf	
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**050217**

**GFR Fire Fighter Staffing and Equipment Policies (NB)**

**RECOMMENDATION**

*The City Commission refer the broad policy issue of fire fighter staffing and equipment to the Public Safety Committee and bring back a report to the full City Commission.*

**Legislative History**

7/7/05	City Commission	Referred (7 - 0)	Public Safety Committee
8/18/05	Public Safety Committee	Discussed	

9/15/05	Public Safety Committee	Discussed
10/20/05	Public Safety Committee	Discussed
11/14/05	City Commission	Approved, as shown above (7 - 0)

GFR5 Firefigher Staffing PPT.pdf

## LEGISLATIVE COMMITTEE

### 050483

#### 2006 State Legislative Statement (B)

#### The City Commission will finalize and prioritize its 2006 State Legislative requests

*Explanation: Annually, the City Commission adopts a State Legislative Statement for presentation to the Alachua County Legislative Delegation.*

*The Legislative Subcommittee met on November 8, 2005, and developed prioritized lists of funding requests and of legislative requests. Subsequently, staff has prepared detailed descriptions of each item. The Legislative Subcommittee prioritized the project funding requests as follows:*

- 1st Priority - Regional Traffic Management Project, \$16 Million*
- 2nd Priority - Water Project Requests, \$10.478 Million*
- 3rd Priority - Regional Juvenile Crime Prevention Initiative (Reichert House), \$150,000*
- 4th Priority - Regional Groundwater Monitoring Network and Protection of Water Supply*
- 5th Priority - Extension of Centralized Potable Water to Low Income Residents, \$390,000*

*The Subcommittee also sorted the legislative requests into Tier One and Tier Two, as follows:*

#### *Tier One:*

- A. Public Records Exemption for City and County Prosecutors Enforcing Code Violations*
- B. First Responder Funding Issue*
- C. Encourage a Mix of Incomes in Florida Housing Finance Corporation Programs*
- D. Amend Regulations Governing Use of Student Fees by Community Colleges to Support Transit Services*

#### *Tier Two:*

- A. Prohibiting Pricing and Marketing of Alcoholic Beverages*
- B. Use of Cameras for Enforcement of Red Light Violations*
- C. Operations of Radios or Other Mechanical Sound-Making Devices or Instruments in Vehicles: Loud Car Stereos "Boom Box Initiative*
- D. Continue Funding for Affordable Housing*
- E. Support for Community Redevelopment Agencies*
- F. Front Porch Florida*

**RECOMMENDATION**

*The City Commission: 1) Accept the recommendations of the Legislative Subcommittee regarding the 2006 State Legislative Statement or make any changes, additions, or deletions as deemed appropriate, 2) prioritize the funding requests, select four or five legislative requests as Tier One, and 3) direct the City Manager to produce the final 2006 State Legislative Statement for presentation at the December 8, 2005 Alachua County Legislative Delegation Hearing.*

*City Manager's Recommendation: The City Manager has learned that State legislation establishing the Campus Trust Fund, which provides funds to offset the impacts of the University of Florida on host communities, is scheduled to sunset in July 2007. The City Manager recommends that the City Commission add a statement to the 2006 State Legislative Statement advocating for the continuation and full funding of the Campus Trust Fund.*

**Legislative History**

11/8/05 Legislative Committee Recommended for Approval, as amended

11/14/05 City Commission Continued

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**050484****Request from Sarasota County Regarding Red Light Camera Legislative Support (B)**

*Explanation: The City Manager has received a request from Sarasota County for the City Commission to support and endorse a Resolution concerning red light cameras.*

**RECOMMENDATION**

*The City Commission support the Resolution and convey that support to the Alachua County delegation.*

**Legislative History**

11/8/05 Legislative Committee Recommended for Approval

11/14/05 City Commission Continued

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**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****050389****Board of Adjustment (B)**

**The City Commission referred various issues associated with the Board of**



**Adjustment to the Community Development Committee. The Committee has completed its discussion and recommends several changes to Board of Adjustment functions and processes.**

*Explanation: On September 12, 2005, the City Commission referred to the Community Development Committee issues associated with the Board of Adjustment (BOA). The Community Development Committee discussed the BOA and its rules, processes and appeals procedures, on September 15, October 6, and November 3, 2005. The Committee discussed various possible changes to the BOA and how it works. The Committee considered one alternative of eliminating the BOA and transferring its responsibilities to other boards. Ultimately, the Board concluded that the best approach is to advertise the existing appointments to the BOA (the Community Development Department has notified neighborhoods that three positions are vacant or expired by November 1, 2005), and implement training for Board members, along with various changes to jurisdiction and appeals procedures.*

*Fiscal Note: None*

**RECOMMENDATION**

*Community Development Committee to the City Commission: 1) staff provide information to neighborhoods regarding vacancies on the BOA; 2) staff provide an orientation session for new BOA members and training for the BOA; 3) the City Commission initiate a petition to amend the Land Development Code to establish term limits for Board of Adjustment members; to establish preferred (not required) backgrounds or experience in urban planning, architecture, landscape architecture, law, development or construction for three out of the five Board of Adjustment members; to amend the appeals process for appeals of administrative decisions, so that after administrative appeal levels are exhausted, the appeal is to a hearing officer for recommendation to the BOA for a BOA hearing and decision if facts are in dispute, and to the BOA directly if facts are not in dispute (and with the BOA authorized in either case to overturn staff's decision only with an affirmative vote by 4 members of the BOA), with appeal of the BOA decisions on administrative decisions to the City Commission; and to eliminate the opportunity for reestablishment of uses once the use becomes nonconforming and then lapses for a period of nine months; 4) the City Commission authorize the City Attorney to prepare an ordinance to eliminate certain of the rarely used appeals to the BOA; 5) the City Commission authorize the City Attorney's office and staff to prepare revised rules for the BOA consistent with the above changes once the City's codes are revised; and 6) remove this item from the referral list.*

**Legislative History**

9/12/05	City Commission	Referred (6 - 0 - 1 Absent)	Community Development Committee
9/15/05	Community Development Committee	Approved as Recommended	
10/6/05	Community Development Committee	Approved as Recommended	
10/24/05	City Commission	Referred	Community Development Committee
11/3/05	Community Development Committee	Approved as Recommended	
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**050681****Advisory Board/Committee Appointments to the Gainesville Energy Advisory Committee (B)****RECOMMENDATION**

*The City Commission appoint Kathy Cantwell, reappoint Joel S. Islam and appoint a third member for terms to expire September 30, 2008 on the Gainesville Energy Advisory Committee.*

*Commissioner Braddy: Islam, Miller and VanDyke  
Commissioner Bryant: Islam, Miller and VanDyke  
Commissioner Chestnut: Cantwell, Islam and Saive  
Commissioner Donovan: Cantwell, Islam and Lowery  
Commissioner Lowe: Cantwell, Lowery and VanDyke  
Commissioner Nielsen: Cantwell, Islam and Willard  
Mayor Hanrahan: Cantwell, Islam and Lowery*

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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)****RECOMMENDATION**

*The City Commission appoint two members to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan for terms to expire November 2007.*

*Commissioner Braddy: Wise and Whitaker  
Commissioner Bryant: Wise and Whitaker  
Commissioner Chestnut: Wise and Whitaker  
Commissioner Donovan: Currie and Readvertise  
Commissioner Lowe: Currie and Whitaker  
Commissioner Nielsen: Currie and Wise  
Mayor Hanrahan: Currie and Readvertise*

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**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**CITIZEN COMMENT**

**COMMISSION COMMENTS (if time available)**

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

**Brownie Troop #1203**

*Marcia Netherland and Penny Werner Co-Leaders*

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**050701**

**Crop Walk Day - Sunday, December 4, 2005 (B)**

**RECOMMENDATION**      *Crop Walk Coordinator Reverend Fred Depenbrock to accept the proclamation.*

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**050702**

**Rosa Parks Day - December 1, 2005 (B)**

**RECOMMENDATION**      *Reverend Milford Lewis Griner to accept the proclamation.*

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**PUBLIC HEARINGS**

**050637**

**Adoption of the College Park/University Heights Community Redevelopment Plan (B)**

**A resolution of the City of Gainesville, Florida approving the amended College Park/University Heights Community Redevelopment Plan; modifying and extending the boundaries of the College Park/University Heights Community Redevelopment Area; and providing an immediate effective date.**

*Explanation: In 2004, the City Commission initiated an update of the College Park/University Heights (CP/UH) Community Redevelopment Plan including, if appropriate, an expanded area. The City retained Herbert-Halbeck, Inc. (HHI) and Real Estate Research Consultants (RERC) to investigate and document blight conditions in the area just south of the existing Community Redevelopment Area for possible inclusion. The proposed update of the CP/UH Redevelopment Plan both updates the existing CP/UH Redevelopment Plan and addresses the conditions of blight that were identified in the Expansion Area in the Findings of Necessity report for the expansion area, adopted by the City Commission on June 13, 2005. The CP/UH Redevelopment Plan was approved by the Community Redevelopment Agency and transmitted to the City Commission on November 21, 2005.*

*In 2004, the City Commission initiated an update of the CP/UH Redevelopment Plan including, if appropriate, an expanded area. The City retained Herbert-Halbeck, Inc. (HHI) and Real Estate Research Consultants (RERC) to investigate and document blight conditions in the area just south of the existing Community Redevelopment Area for possible inclusion. The proposed update of the CP/UH Redevelopment Plan updates the existing CP/UH Redevelopment Plan and addresses the conditions of blight that were identified in the Expansion Area in the Findings of Necessity report, adopted by the City Commission on June 13, 2005.*

*A draft copy of the Plan has been provided for review.*

*The draft Plan includes objectives and initiatives to further redevelop and remove blight from the existing Community Redevelopment Area and the Expansion Area. Redevelopment objectives and initiatives outlined in the plan include infrastructure improvements, parking, urban form, traffic circulation, private investment, land acquisition and redevelopment, creation of mixed-use technology hubs, historic preservation and adaptive reuse, public spaces, funding, financing, management and promotion. Plan recommendations include but are not limited to stormwater system improvements, creation of a comprehensive parking management system, creation of design incentives to attract quality projects that enhance the overall urban form of the community, land assembly and acquisition, rail trail improvements, branding and promotion and cornerstone projects (a list of projects for key sites).*

*On October 13, 2005, staff presented the draft CP/UH Redevelopment Plan to the University Park Neighborhood Association for their review and comment, and encouraged the residents to submit any proposed changes to staff. The residents received the CP/UH Plan positively and to date staff has not received any additional comments from UPNA.*

*On November 2, 2005 the Redevelopment Advisory Board reviewed the proposed CP/UH Community Redevelopment Plan and recommended the Community Redevelopment Agency adopt the plan, with their comments. Staff has incorporated the CP/UH Board's comments into the final Plan.*

*On November 17, 2005 the City Plan Board reviewed the CP/UH Community*

*Redevelopment Plan for conformity with the City's Comprehensive Plan and found the Plan to be consistent.*

*On November 21, 2005 the Community Redevelopment Agency adopted the CP/UH Community Redevelopment Plan with modifications and forwarded it to the City Commission for approval and to the taxing authorities. The Community Redevelopment Agency also requested the City Commission authorize the City Attorney to draft ordinance provisions expanding the boundaries of the CP/UH Community Redevelopment Area and setting the base taxable value for the expanded area and to authorize the Clerk of Commission to advertise the public hearing and the necessary ordinances.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) Adopt the College Park/University Heights Community Redevelopment Plan, as amended by the CRA; 2) authorize the City Attorney to prepare and the Clerk of Commission 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; 3) adopt the resolution.*

*Alternative Recommendation A: Adopt the plan with modifications and authorize the City Attorney to prepare and the Clerk of Commission 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.*

*Alternative Recommendation B: Do not adopt the plan.*

**Legislative History**

11/21/05      Community      Approved, as shown above (See Motion)  
                   Redevelopment  
                   Agency  
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**ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

**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)

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**041214**

**URBAN SERVICES REPORT - SANTA FE COMMUNITY COLLEGE AND ADJACENT AREAS (B)**

**Ordinance No. 0-05-90**

**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 generally described as follows: generally located south of State Road 222 (NW 39th Avenue), with an eastern boundary at the western side of section, township, range line 33-09-19 and 28-09-19 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; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, 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 annexation of the area would be subject to referendum approval of the voters who reside in the area.*

*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 certifying that the area to be annexed meets the criteria stated in 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 5, 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**

4/11/05	City Commission	Placed on File
4/25/05	City Commission	Approved as Recommended (5 - 0 - 2 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.*

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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.*

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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)

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**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 and 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)

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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)

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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.*

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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.*

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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.*

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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)

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**ORDINANCES, 2ND READING- ROLL CALL REQUIRED**050115**SEXUAL OFFENDERS AND SEXUAL PREDATORS (B)****ORDINANCE NO.: 0-05-96**

**An ordinance of the City of Gainesville relating to sexual offenders and sexual predators; creating and adding a new Article III to Chapter 17 to be titled Sexual Offenders and Sexual Predators; providing definitions; establishing residency requirements, restrictions and penalties; prohibiting certain sexual offenders and sexual predators from residing within a specified distance of schools, daycare centers or parks, as more specifically defined in this ordinance; establishing requirements, responsibility and penalties for property owners and agents that let or rent to certain sexual offenders and sexual predators; providing for sexual offenders and sexual predators to acknowledge responsibilities; amending section 2-339, of the Gainesville Code of ordinances relating to applicable codes and ordinances subject to civil citation; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.**

*Explanation: The Public Safety Committee discussed this June 13, 2005 City Commission referral to review the laws related to sexual offenders and predators. The proposed ordinance would restrict the areas where convicted sexual offenders and predators could live within the City of Gainesville. The ordinance, based in part on a constitutionally upheld Iowa State model, proposes restricting their*

residences within 2500 feet of any public school, private school, day care or city park. The ordinance would also restrict a landlord from renting to offenders meeting certain criteria if the rental property is within that restricted zone. Additionally, the ordinance requires the offender to sign the Florida Department of Law Enforcement "Offender Notice of Responsibilities" form, acknowledging receipt and understanding of the responsibilities of a sexual offender or sexual predator.

At first reading of the ordinance, the Police Department distributed a map showing the application of the ordinance. The map showed distances from active parks and not from passive parks or recreation areas. For this reason the definition of parks is revised to reflect the inclusion of active parks only. (A copy of the map is attached for information only).

The Gainesville Police Department supports this initiative as an enhanced tool in better tracking of sexual offenders, by limiting their options and discouraging them from frequently moving. There are currently 207 registered Sexual Offenders and/or Predators living within the City.

Numerous municipalities in the State of Florida have already enacted similar restrictions. The Public Safety Committee believes that the proposed ordinance will establish a policy that provides for the best possible protection of the lives and safety of Gainesville residents, and especially children.

On September 26, 2005, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance that would restrict the areas where convicted sexual offenders and predators could live within the City of Gainesville.

This office would note that a bill (HB) has been filed in the Florida legislature affecting this subject. If enacted into law as written, the bill would require that any local ordinance provisions be consistent with the requirements of the state law. There are differences that would require an amendment of the ordinance. However, the house bill, if passed, would not become effective until October 1, 2006.

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance as amended.*

**Legislative History**

6/13/05	City Commission	Referred (7 - 0)	Public Safety Committee
7/21/05	Public Safety Committee	Discussed	
8/18/05	Public Safety Committee	Discussed	
9/26/05	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
11/14/05	City Commission	Adopted on First Reading (Ordinance) (7 - 0)	

Sexual OffenderBuffer Map1500 2000 2500 Schools no Parks.pdf  
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Sexual Offenders and Sexual Predators Ord Ver2.doc  
Sex Offender Ordinance Highlights (2).doc  
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**041187****PLANNED DEVELOPMENT - BLUES CREEK (B)****Ordinance No. 0-05-55, Petition 49ZON-05PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands, recently annexed into the City and as more specifically described in this ordinance, from the Alachua County zoning category of "PD, planned development" to the City of Gainesville zoning category of "Planned Development District"; adopting and approving the Land Development Conditions that were imposed by Alachua County; generally located in the vicinity of the 7200 block of N.W. 52nd Terrace; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*The subject property is 18 acres in size, and is a portion of the Blues Creek development in northwest Gainesville. The property was annexed into the city in 2005, and is mostly found within the 100-year FEMA floodplain. A much larger portion of the Blues Creek development-256 acres-was annexed in to the city in 2001 and 2002. This property must be brought into conformance with the City's land development regulations. This requires amending the City's zoning map atlas to include this property. This petition would amend the City's zoning map atlas.*

*Planned Development (PD) zoning is north of the property, is also part of Blues Creek, and is undeveloped. County Planned Development (PD) zoning is adjacent and developed to the south, east and west.*

*The revised Master Plan for Blues Creek, dated November 1999, specifies that the 18 acres within Unit 1 shall contain 57 single-family attached homes. All units are to be 2- or 3-bedroom homes, with a maximum height of 35 feet. Each lot has a zero setback. Setbacks from the property perimeter or dedicated streets is 35 feet for front, 20 feet for rear and 10 feet from side.*

*The character of the nearby property is largely suburban residential. Because the character of nearby properties is compatible, these properties are most suitably given a City Planned Development (PD) zoning. To avoid creating incompatibilities, nonconformities and confusion, the proposed PD zoning will be implemented by the PUD ordinance approved by Alachua County when this property was initially proposed for development.*



*Therefore, should this petition be approved, the development regulations approved by the County within their PUD ordinance for this property would be adopted and remain in place by the City so that future improvements or re-development of the property would be consistent and compatible with existing development in the vicinity.*

*Public notice was published in the Gainesville Sun on April 5, 2005. Letters were mailed to surrounding property owners on April 6, 2005. The Plan Board held a public hearing April 21, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 49ZON-05 PB. Plan Board vote 6-0.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

11/14/05 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)

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**050159**

**LAND DEVELOPMENT CODE AMENDMENT - SIDEWALKS IN INDUSTRIAL DISTRICTS (B)**

**Ordinance No. 0-05-94; Petition 108TCH-05 PB**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, relating to requirements for sidewalks in industrial areas; amending subsection 30-188(e), eliminating the requirement to provide sidewalks as a required subdivision improvement in an industrial area, except on arterial and collector streets; amending subsection 30-338(6), eliminating sidewalk requirements on land designated as industrial on the Future Land Use Map of the City of Gainesville; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT*

*Based on the City's experience with the Airport Industrial Park and the existing condition of so many properties in the industrial parks with no sidewalks, City staff finds that the burden of providing sidewalks discourages development of the City's industrial parks, and for that reason, the requirement to provide sidewalks in industrial districts should be eliminated.*

*The City has industrial land use generally in concentrated areas, the Hugh-Edwards Industrial Park on Waldo Road, the Airport Industrial Park in the vicinity of Northeast 53rd Avenue and Waldo Road, South Main Street, the Cabot Carbon site, generally located between Northwest 16th Avenue, Northwest 39th Avenue, the T.J. Hawes Trust on North Main Street north of*

*39th Avenue and the Northwest Industrial Park(s) and industrial areas in the vicinity of SR 121 and US 441, and Northwest 6th Street Business Park. Most of these industrial parks have been significantly built out, without sidewalks at many properties. The City is attempting to encourage new industry. The potential sidewalks are perceived as having a high cost by most small industries, and the little amount of sidewalks that are added now would remain isolated for many years.*

*The proposed amendment language clarifies that, while the City does intend to have pedestrian activity throughout the City, the exception to that general intention would be those areas with industrial land use.*

*The Plan Board heard the petition and staff report. The City's Economic Development Department works to promote development within the Airport Industrial Park and other industrial districts, and the sidewalk expense is viewed by some businesses as a disincentive. The Board accepted staff's recommendation with the exception that sidewalks should be installed along arterial roadways and major collectors.*

*Public notice was published in the Gainesville Sun on July 5, 2005 and August 26, 2005. The Plan Board held a public hearing July 21, 2005.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission heard and approved this petition on September 26, 2005. This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, November 28, 2005.*

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

#### **Legislative History**

9/26/05	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
11/14/05	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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## **041061**

### **ZONING MAP AMENDMENT - UMU-1 AND UMU-2 ZONING CATEGORIES (B)**

#### **Ordinance No. 0-05-77, Petition No. 37ZON-05PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties, as more particularly described in this Ordinance, from the zoning category designations "RMF-6: 8-15 units/acre multiple-family residential district," "RMF-8: 8-30 units/acre multiple-family residential district," "RH-1: 8-43 units/acre residential high density district," "RH-2: 8-100 units/acre residential high density district," "RMU: up to 75 units/acre residential mixed district," "MU-1: 8-30 units/acre mixed use low intensity," "OR: 20 units/acre office**

residential district," MD: Medical services district," "OF: General office district," "BT: Tourist-oriented business district," "CON: Conservation district," "ED: Educational services district," and "PS: Public services and operations district," to the new zoning category designations of "UMU-1: up to 75 units/acre urban mixed use district" and UMU-2: up to 100 units/acre urban mixed used district, located in the College Park/University Heights area, and an area generally bounded by Archer Road and Depot Avenue to the north, Southwest 6th Street to the east, and Southwest 16th Avenue to the south, consisting of approximately 550 acres; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*This petition amends the Zoning Map by changing the zoning of several properties to Urban Mixed-Use (see attached map), consistent with the changes to the Future Land Use Map. The mapped area for this new designation was chosen due to its location close to the University of Florida. The area consists of properties that were designated for high intensity use or high densities residential uses. The area does not include single-family neighborhoods, properties located in Historic District, or properties designated Planned Development.*

*The City Plan Board heard the petition and recommended approval with the condition that staff meet with developers of the College Park/University Height's area about the density prior to the City Commission hearing.*

*Public notice was published in the Gainesville Sun on May 3, 2005. Letters were mailed to property owners and surrounding property owners on May 4, 2005. The Plan Board held a public hearing May 19, 2005.*

#### *CITY ATTORNEY MEMORANDUM*

*The Commission heard Petition 37ZON-05 PB on June 13, 2005, and approved it with modifications including moving to create two urban mixed-use zoning categories (one up to 75 dwelling units per acre and the other up to 100 dwelling units per acre, each with up to 25 additional units per acre with Special Use permit). The proposed map reflects the changes of properties with the current zoning categories, as more specifically described in this Ordinance, to Urban Mixed Use 1 (UMU-1: Up to 75 units/acre) and Urban Mixed Use 2 (UMU-2: Up to 100 units/acre).*

*This ordinance requires two readings. Should the Commission adopt the ordinance on first reading, the second and final reading will be November 28, 2005.*

*Fiscal Note: None*

#### **RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

#### **Legislative History**

6/13/05 City Commission Approved (Petition), as amended (7 - 0)

11/14/05 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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## 041058

### **LAND DEVELOPMENT CODE AMENDMENT - NEW ZONING DISTRICT CATEGORIES, UMU-1 AND UMU-2 (B)**

#### **Ordinance No. 0-05-73; Petition 35TCH-05 PB**

**An ordinance of the City of Gainesville, Florida, creating new zoning district categories in the Land Development Code, called Urban Mixed-Use 1 (UMU-1: up to 75 units/acre) and Urban Mixed-Use 2 (UMU-2: up to 100 units/acre); providing regulations for UMU-1 and UMU-2; allowing up to an additional 25 units per acre with a special use permit; providing directions to the city manager; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT*

*This is a request to add a new zoning district category to the City's Land Development Code Plan. The concept for this new category was developed after a city government fact-finding trip to Norfolk, Va. and New Haven, Conn. After the trip the City Commission formed the Urban Master Planning Committee. The committee recommended that the City adopt a flexible urban mixed-use land use and zoning district, allowing increased heights and densities, and allowing mixed uses including "tech transfer" uses.*

*The petition is related to 34CPA-05PB and proposes the zoning district that will be used to implement the Urban Mixed-Use land use category. The Urban mixed-use district (UMU) zoning district provides the detail listing of the uses allowed. The district is very similar to the other mixed-use categories with the exception that it allows Research and Development in the Physical, Engineering and Life Sciences ("tech transfer"), the full range of medical and health related facilities and, hotels and motels. The district will also allow a variety of residential units up to 75 units per acre without density bonus points.*

*The City Plan Board heard the petition and recommended approval with the condition that staff meet with developers of the College Park/University Height's area about the density prior to the City Commission hearing.*

*The City Plan Board heard the petition and recommended approval with the condition that staff meet with developers of the College Park/University Height's area about the density prior to the City Commission hearing.*

*City Staff is also recommending that Alcoholic beverage establishments be added to the list of permitted uses in accordance with article VI of the Land Development Code to accommodate existing businesses located in the new zone.*

*Public notice was published in the Gainesville Sun on May 3, 2005. Letters*

were mailed to property owners and surrounding property owners on May 4, 2005. The Plan Board held a public hearing May 19, 2005.

*CITY ATTORNEY MEMORANDUM*

*The City Commission considered Petition 35 TCH-05 PB on June 13, 2005. During this hearing, the City Commission moved to create two urban mixed-use zoning categories (one up to 75 dwelling units per acre and the other up to 100 dwelling units per acre, each with up to 25 additional units per acre with Special Use permit) and established a 2-story minimum height throughout the urban mixed use land use categories. As well, alcoholic beverage establishments are added as a permitted use in the district by special use permit. The proposed ordinance reflects these changes.*

*This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, November 28, 2005.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

6/13/05	City Commission	Approved (Petition), as amended (7 - 0)
11/14/05	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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**041051**

**REZONING - SW 24TH AVENUE (B)**

**Ordinance No. 0-05-43, Petition 17ZON-05PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties annexed into the City from the Alachua County zoning category of "R-1a, single-family, low density (one to four dwelling units per acre)" to the City of Gainesville zoning category of "RSF-1: 3.5 units/acre single-family residential district"; located in the vicinity of the south side of SW 24th Avenue, west of I-75 and east of Tower Road; consisting of approximately 34 acres; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*This petition is related to zoning petition 16LUC-05 PB. The purpose of this petition is to apply City of Gainesville zoning categories onto land that was annexed into the City in 2004. Zoning districts are recommended that match those of the existing Alachua County districts or that are felt to be the most appropriate for the property based upon location, surrounding development and other factors. The county zoning designation of each property will remain in effect until this proposed amendment has been adopted.*

*The annexed area includes 2 parcels that total approximately 34 acres. The Portofino Cluster Development is a subdivision of single-family detached houses located west of Interstate 75 on Southwest 24th Avenue. The Alachua County land use designation for Portofino is Low Density Residential (1-4 units per acre) with a County zoning designation of R-1A (Single-family, low density). The requested zoning change is from R-1A to the City of Gainesville zoning designation of RSF-1 (3.5 units/acre single-family residential district).*

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

*Public notice was published in the Gainesville Sun on March 1, 2005. Letters were mailed to surrounding property owners on March 2, 2005. The Plan Board held a public hearing March 17, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 17ZON-05 PB. Plan Board vote 5-0.*

**RECOMMENDATION**

*The City Commission: 1) approve Petition No. 17ZON-05PB; and 2) adopt the proposed ordinance on first reading.*

**Legislative History**

11/14/05 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)

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**041191**

**REZONING - 3304 S MAIN STREET (B)**

**Ordinance No. 0-05-57, Petition 53ZON-05PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands of the City from "RSF-1: 3.5 units/acre single-family residential district" to "CON: Conservation district", as more specifically described in this ordinance; generally located in the vicinity of 3304 South Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*This petition is related to land use petition 52LUC-05 PB. The subject properties are located in the Kirkwood subdivision on the east side of South Main Street, south of Southwest 29th Place. This petition includes two properties. A parcel of approximately 24 acres is located just north of the Bivens Arm Nature Park and is owned by the City of Gainesville. The second parcel of approximately 9 acres lies between the first parcel and residential properties located along the south side of Southwest 29th Place. The owners of record of the 2nd parcel concur in this zoning change. The 24-acre property is designated to become part of the Bivens Arm Nature Park, while the other property will remain in private ownership.*

To the north of the site is residential land with RSF-1 (3.5 units per acre single-family residential district) zoning and SF (Single-Family, up to 8 units per acre) land use and land with CON (Conservation) land use and PD (Planned development) zoning. East of the subject properties across S. Main Street is single-family residential development with RSF-1 zoning and SF land use, and an office building with PD zoning and land use designations of PUD (Planned use district) and CON. To the south is Bivens Arm Nature Park, with CON land use and zoning. On the west side of the subject properties are developments with PD and RH-1 (8-43 units/acre residential high density district) zoning and land use designations of RH (8-100 units/acre Residential High Density) and RL (Residential Low Density, up to 12 units per acre).

The request of this petition is to change the zoning of the subject properties from RSF-1 to CON. This change is requested in order to preserve and protect an area that is environmentally sensitive, while also allowing for an increase in the acreage of the Bivens Arm Nature Park. This will provide for additional passive recreation opportunities for the public.

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

Public notice was published in the Gainesville Sun on April 5, 2005. Letters were mailed to surrounding property owners on April 6, 2005. The Plan Board held a public hearing April 21, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 53ZON-05 PB. Plan Board vote 4-0.

**RECOMMENDATION**

The City Commission: 1) approve Petition No. 53ZON-05PB; and 2) adopt the proposed ordinance on first reading.

**Legislative History**

11/14/05 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)

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**041189**

**LAND USE CHANGE - COFRIN PARK (B)**

**Ordinance No. 0-05-65, Petition 51LUC-05PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use categories of certain property from "Single-Family (up to 8 units per acre)" to "Conservation" and "Public Facilities"; consisting of approximately 30 acres, located in the vicinity of the north side of Northwest 8th Avenue, at 4810 and 4910 N.W. 8th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: STAFF REPORT*

*The subject property is approximately 30 acres in size, is undeveloped except for a single-family house, has CON (conservation) and PS (public service) zoning, and a SF (Single-Family) land use designation.*

*Adjacent property to the west is zoned PD (Planned Development). The land use of this property is SF. Adjacent property to the north is RSF-1. The land use of this property is SF. Adjacent property to the east is RSF-1. The land use of this property is SF. Zoning to the south across NW 8th Avenue is CP (Corporate Park), and the land use of this property is MU-M (Mixed-Use Medium).*

*These properties were purchased in December 2003 with the assistance of a grant from Florida Communities Trust (FCT). FCT is a state land acquisition agency that assists local governments in acquiring land to implement goals, objectives and policies of conservation, recreation and open space, or for natural resources conservation, using Florida Forever Revenue Bonds. Funds also came from Alachua County Forever, a program approved by the voters to acquire, improve and manage environmentally significant lands in Alachua County, and to protect water resources, wildlife habitats and natural areas suitable for resource based recreation. In addition, funding came from the City of Gainesville, and a charitable donation came from Gladys G. Cofrin. This land use change is being sought to allow the City to comply with the FCT obligations associated with obtaining acquisition grant money. Among other things, these obligations require the benefiting community to designate and protect the acquired property and to manage the project site only for the conservation, protection and enhancement of natural resources and for public outdoor recreation that is compatible with the conservation, protection and enhancement of the site.*

*Designation of these properties as PF (public facilities) and CON (Conservation) land use will allow the City to develop these properties as both a nature park and an activity-based recreation park. The Nature Operations Division of the City Recreation and Parks Department will be managing the park.*

*The Plan Board heard the petition and recommended approval.*

*Public notice was published in the Gainesville Sun on May 3, 2005. Letters were mailed to surrounding property owners on May 4, 2005. The Plan Board held a public hearing May 19, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 51LUC-05 PB. Plan Board vote 6-0.*

*CITY ATTORNEY MEMORANDUM*

*Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five days before the adoption hearing.*



*The State of Florida Department of Community Affairs issued a letter dated September 27, 2005, stating that this amendment need not be formally reviewed for consistency with Chapter 163, F.S. The Department also waived preparing an Objections, Recommendations and Comments Report. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.*

*Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.*

**RECOMMENDATION**            *The City Commission: 1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.*

**Legislative History**

6/27/05            City Commission            Approved (Petition) and Adopted on First Reading  
(Ordinance) (6 - 0 - 1 Absent)

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## RESOLUTIONS- ROLL CALL REQUIRED

### **050647**

#### **Fourth Amendment to FY 2005 General Financial and Operating Plan Budget Resolution (B)**

*Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2005 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, decreases in expenditure budgets, or decreases in the appropriate fund balance.*

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

**Legislative History**

11/21/05            Audit and Finance            Recommended for Approval  
   Committee

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### **050651**

#### **Proposed FY 2006 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.

Each of the requested projects is weighed against other planned or required projects resulting in Exhibit A, which represents a compilation of proposed audits for the City Auditor's work plan for FY 2006. 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 City Commission adopt the City Auditor's Proposed FY 2006 Annual Audit Plan by resolution.*

**Legislative History**

11/21/05      Audit and Finance      Recommended for Approval  
   Committee  
050651A&F112105.pdf

**050594**

**Resolution to Dual-Name a Section of Southwest 28th Street to "Buster Bishop Drive" (B)**

*Explanation: Bernays Emery "Buster" Bishop was born, raised, and educated in Gainesville, Florida, and was great mentor to students, team members, and staff throughout his tenure at the University of Florida Golf Course. Some of his professional experience includes: Head Coach and Athletic Director at Gainesville High School; Head of Physical Education at Buchholz Jr. High School; Staff of the College of Physical Education at the University of Florida; Head Golf Coach at the University of Florida; Head Pro of the University of Florida Golf Course; and Golf Course Manager of the University of Florida. The University Athletic Association, the City of Gainesville, and the community wish to dedicate themselves to his memory by designating and dual-naming Southwest 28th Street from Southwest 2nd Avenue to Southwest 3rd Place as "Buster Bishop Drive" in his honor so that his kindness and dedication to the community will always be remembered.*

*Fiscal Note: The funds for producing the signs are available in the Public Works Department operating budget.*

**RECOMMENDATION**                    *The City Commission: 1) adopt the Resolution authorizing Southwest 28th Street from Southwest 2nd Avenue to Southwest 3rd Place to be designated and dual-named as "Buster Bishop Drive"; and 2) authorize the City Manager or designee to carry out*

*all necessary actions to fulfill the Resolution.*

Legislative History

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

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## PLAN BOARD PETITIONS

### 050485

#### Abandon and Close Public Right-of-Way (B)

**Petition 45SVA-05 PB, Legislative Matter No. 050485. Brandon Reeb, agent for K.A. Miller, Trustee. Pursuant to Section 30-192(b) of the Gainesville Land Development Code, to vacate, abandon and close public right-of-way located at Southeast 3rd Terrace from Southeast 14th Lane to Williston Road (State Road 331)**

*Explanation: The purpose of this request is to vacate a portion of right-of-way located southeast of the intersection of Southeast 14th Lane and Southeast 3rd Terrace. The right-of-way is an undeveloped portion of Southeast 3rd Terrace that runs northwest to southeast between Southeast 14th Lane and State Road 331, otherwise known as Williston Road. The 30-foot wide right-of-way to be vacated is a "paper street," that consists of grass, trees and vegetation. The right-of-way serves as a side yard for the adjacent property and has been maintained by the applicant for the past several years. Upon vacation of the right-of-way, a public utility easement would be retained over the site. The right-of-way provides no public access.*

*The Plan Board heard the petition and recommended that it be approved with the condition that a public access easement will be maintained coincidental and in perpetuity with the GRU utility easement.*

*Public notice was published in the Gainesville Sun on October 4, 2005 and October 11, 2005. Letters were mailed to surrounding property owners on October 5, 2005 and October 10, 2005. The Plan Board held a public hearing on October 20, 2005.*

*Fiscal Note: None*

RECOMMENDATION

*City Plan Board to City Commission - The City Commission approve Petition 45SVA-05 PB, with the condition that a public access easement be maintained coincidental and in perpetuity with the GRU utility easement. Plan Board vote 4-0*

*Alternate Recommendation A: The City Commission approve Petition 45SVA-05 PB, with the condition that a public utility easement be retained over the vacated area.*

*Alternate Recommendation B: The City Commission deny Petition 45SVA-05 PB.*

*Staff to Plan Board - Approve Petition 45SVA-05 PB with the condition that a public utility easement be retained over the vacated area.*

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## DEVELOPMENT REVIEW BOARD PETITIONS

### 050613

#### **Design Plat of Lincoln Park Subdivision. (B)**

**Petition 120SUB-05DB, Dynan Group, Inc., agent for Edix Investments. Design Plat review of Lincoln Park Subdivision, sixteen (16) lots on 4.8 acres more or less. Located in the vicinity of Southeast 9th Avenue and Southeast 11th Street (State Road 331/Williston Road), east side. Zoned: RSF-3 (single-family residential, 5.8 du/acre). (Quasi-Judicial)**

*Explanation: The City Development Review Board considered a request to approve a design plat of Lincoln Park Subdivision at a public hearing held September 8, 2005. By a vote of 4-0, the Development Review Board approved Petition 120SUB-05 DB with staff conditions.*

*The petitioner is proposing to create 16 lots on 4.8 acres more or less, on property zoned RSF-3, having an allowable residential density of 5.8 dwelling units per acre (allowing 27 lots). The density being proposed, with 16 lots, is 2.7 dwelling units per acre. The property in question was, for many years, the site of the City's Lincoln Pool. The pool and site is located between Lincoln Middle School and Williams Elementary School, along Williston Road.*

*Fiscal Note: None*

#### **RECOMMENDATION**

*Development Review Board to City Commission - The City Commission approve Petition 120SUB-05DB, with staff conditions.*

*Alternate Recommendation A: The City Commission deny Petition 120SUB-05DB.*

*Alternate Recommendation B: The City Commission continue Petition 120SUB-05DB to allow the petitioner to redesign the layout of the subdivision.*

*Staff to Development Review Board - The Design Plat is approvable with conditions.*

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**SCHEDULED EVENING AGENDA ITEMS**

**050471**

**CHARTER REVIEW COMMITTEE (B)**

**RECOMMENDATION**

*The City Commission consider the presentation from the Charter Review Committee and provide direction.*

*Clerk's Note: The City Commission may waive the rules to hear this item at 7:00 PM.*

**Legislative History**

10/10/05	City Commission	Tabled (6 - 0 - 1 Absent)	
10/10/05	City Commission	Referred	Charter Review Committee
11/14/05	City Commission	Approved, as shown above (See Motion) (7 - 0)	

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**050589**

**Environmental Protection Advisory Committee (EPAC) Report on Gainesville Regional Utilities (GRU) Electrical Power Plant Expansion (B)**

**RECOMMENDATION**

*The City Commission hear a report as requested in the September 29, 2005, letter.*

*Clerk's Note: The City Commission may waive the rules to hear this item at 8:00 PM*

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**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT**

**ADJOURNMENT - 11:47 PM**