

City of Gainesville

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



Meeting Agenda

November 27, 2006

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

060618.

Quit-Claim Deed to Clear Title on Lot 9, Renaissance Subdivision (B)

This item involves a request to authorize the Mayor to execute a Quit-Claim Deed to clear a cloud of ownership on the title of Lot 9, Renaissance Subdivision, owned by Lorenzo Ford, Sr., located at 716 Northwest 7th Street.

Explanation: The 1983 platting of the Renaissance Subdivision (Plat Book M, Page 3) demonstrates the intent of the City to convey a small narrow strip of land between the land currently owned by Lorenzo Ford, Sr., Lot 9, and the right-of-way of NW 7th Street. However, the transfer of the property never occurred. A pending sale of Lot 9 requires that the cloud on the title of the narrow strip be resolved. The expeditious means of resolution is for the City to execute a Quit-Claim Deed for Lot 9 and deliver it to Mr. Ford.

Fiscal Note: There is no fiscal impact. The property owner will bear the financial responsibility.

RECOMMENDATION

The City Commission authorize the Mayor to execute a Quit-Claim Deed to Lorenzo Ford, Sr., for Lot 9 of the Renaissance Subdivision, subject to approval by the City Attorney as to form and legality.

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060675.**Release of Utility and Drainage Easement at 2903 SW 2nd Court (B)**

This item involves a request for the City Commission to release the utility and drainage easement that severs property owned by the Goff's located at 2903 SW 2nd Court.

Explanation: The plat of Colclough Hill Unit No. 2 in Plat Book G, page 60 of the Public Records of Alachua County, Florida, creates a 10 foot utility and drainage easement at the rear of Lot 10. It is believed the 10 foot utility and drainage easement was dedicated in anticipation of future development. Mr. and Mrs. Goff are the owners of Lot 10 and approximately .2 acres behind Lot 10. The Audubon Society owns the property abutting the rear of that property owned by the Goff's, therefore, no future development is expected. The 10 foot utility and drainage easement now separates parcels owned by the Goff's and hinders plans for an addition to their home. A physical inspection of the property and verification through Gainesville Regional Utilities and Streets Division reveal there are no current facilities in the 10 foot utility and drainage easement other than a power pole on the northeast corner of the property. The City will retain the easterly 10 feet of the Utility and Drainage Easement and release the remainder.

Fiscal Note: The City's costs are limited to the administrative cost for the release of the easement. The Goff's will be responsible for recording the document.

RECOMMENDATION

The City Commission: 1) Approve the release of the utility and drainage easement at 2903 SW 2nd Court; and 2) Authorize the Mayor to execute the Release of Utility and Drainage Easement document subject to approval by the City Attorney as to form and legality.

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060705.**Bid Award - Annual Contract for Provision of Asphalt (B)**

This item involves a request for the City Commission to authorize bid awards to John C. Hipp Construction Equipment Company and APAC Southeast, Inc., for delivery of asphalt, and to V.E. Whitehurst, John C. Hipp Construction Equipment Company and APAC Southeast, Inc., for pickup of asphalt.

Explanation: The City of Gainesville and Alachua County jointly advertised Invitations to Bid (ITB) in September 2006 for Annual Asphalt Concrete Surfacing and Annual Plant Mix Asphalt Concrete. The ITB contained a provision that the City of Gainesville would negotiate a single two-party contract for the services being obtained by the City of Gainesville.

The Public Works Department wishes to execute contracts to all three (3) bidders as follows: 1) One contract with John C. Hipp Construction Equipment Company as a primary for delivery of asphalt and as secondary for pickup of asphalt; 2) One contract with APAC Southeast, Inc., as secondary for delivery and pickup of asphalt; and 3) One contract with V.E. Whitehurst as primary for pickup of asphalt.

Fiscal Note: The primary funding source is from the FY 2007 Public Works Department Operating Budget. However, some purchases may be funded through individual CIP project accounts. The estimated expenditures for FY 2007 will be \$450,000.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute contracts with John C. Hipp Construction Equipment Company, APAC Southeast, Inc., and V.E. Whitehurst for delivery and pickup of asphalt, subject to approval of the City Attorney as to form and legality; 2) approve the issuance of a purchase order to each vendor; and 3) authorize the City Manager to execute any and all related documents.

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060707.

Contract for Portable Ice Skating Rink (B)

This is a request to enter into an agreement with Magic Ice USA, Inc. to provide the ice skates and a portable Ice Skating Rink for the Downtown Community Plaza December Ice Skating program.

Explanation: For the fourth year in a row, the Department of Parks, Recreation and Cultural Affairs will be operating an ice skating rink at the Downtown Community Plaza which will be open to the public from December 2, 2006 through January 1, 2007.

Proposals were submitted from three vendors, Yontz Corporation, Mike Clayton/Ice Rink Events and Magic Ice USA.

Terms of agreement were reached with Magic Ice USA, who will provide a 50'x70' ice floor and 250 pairs of skates.

The contract has been reviewed by both the City Attorney's Office and the City's Risk Management.

Fiscal Note: The cost to rent the ice floor is \$75,900 to be paid on installation. The City will be responsible for all other costs associated with renting the tent enclosure, contracting for the construction of the support platform for the floor, ramps, changing area, and a secure skate rental booth. The Department of Parks, Recreation and Cultural Affairs will staff the rink and manage all aspects of the operation. Private security will be used to reduce costs. Total costs are estimated to be \$160,000. Based on past attendance and sponsorships, revenues of \$148,000 are anticipated. All efforts will be made to reduce costs and increase revenues and any significant deficit will be reported to the City Commission for funding from City Manager's contingency.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to enter into an agreement with Magic Ice USA, Inc. to provide the ice floor and ice skates.

Alternative Recommendation: The City Commission not authorize the City Manager to enter into an agreement with Magic Ice to provide the ice floor and ice skates.

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060711.**Proposed FY 2007 Youth Summer Camp Rates (NB)**

This item considers restructuring the proposed FY 2007 Youth Summer Camp Rates at the Parks, Recreation and Cultural Affairs Department Facilities and Centers.

Explanation: The Parks, Recreation and Cultural Affairs Department wishes to make a presentation to the Recreation, Cultural Affairs and Public Works Committee on restructuring program registration fees so that the rates are more competitive with other non-profit organizations offering similar services in the community. The fee increases will be coupled with scholarships and/or appropriate fee reductions to assist needy youth. Scholarship funds would be generated from new program revenue. The proposed new program registration fees will exceed the City's standard 5% bi-annual increase in program fees and charges.

Fiscal Note: There is no fiscal impact from this referral.

RECOMMENDATION

Recommended Motion: The City Commission refer this item to the Recreation, Cultural Affairs and Public Works Committee for their review, discussion and recommendation to the full City Commission.

Alternative Recommendation: The City Commission deny this request for review and discussion; and the proposed FY2007 fees be increased only by the standard 5% annual increase.

060716.**Temporary Suspension of Voluntary Contributions to the Retiree Health Savings Plan (B)**

This item involves authorizing the City Manager to execute the necessary document to temporarily suspend the irrevocable voluntary contributions to the City's Retiree Health Savings Plan.

Explanation: In January 2002, the City of Gainesville began implementation of the Retiree Health Savings Plan (RHS) administered by ICMA-RC. The addition of this

plan and the original adoption agreement that included only a mandatory contribution for all eligible members was a result of the collective bargaining process with the Communications Workers of America (CWA). The CWA, ATU and Management wanted to find a method to help employees better prepare for the additional cost of health insurance upon retirement. The ICMA-RC Vantagecare Retirement Health Savings Plan was developed by ICMA-RC as a vehicle to allow employees to accumulate assets in a tax-free plan to pay for post-employment medical, dental and vision expenses, including the retiree's portion of the health insurance premium. The reimbursements (disbursements) from this plan for qualified expenses are not taxable, therefore, allowing a tax-free source of income to pay for these post employment health care expenses.

The first plan amendment was effective in January 2003 and added an additional contribution method. The change allowed employees to make an irrevocable voluntary election to contribute to their account subject to plan maximums. This amendment offered employees the ability to put aside additional funds above the mandatory contribution as a means to better prepare for retirement.

Recently, ICMA-RC sent a notification to employers with a RHS Plan regarding the voluntary elections offered in these plans. According to ICMA-RC, the Internal Revenue Service (IRS) has raised an issue with the voluntary elections and the tax preference these elections receive. ICMA-RC is currently working with the IRS to reach a practical resolution to all RHS plans. However, until the matter is resolved, ICMA-RC has suggested that plan sponsors may want to temporarily suspend enrollment in and any current voluntary contributions for the plan year beginning January 1, 2007. Based on the discussions the City has had with ICMA-RC, staff has concluded that it would be best to suspend the irrevocable voluntary contributions and enrollment for these contributions for the plan year beginning January 1, 2007.

Past plan changes were effectuated with an amendment to the plan document and the adoption of a resolution. However, since at this time the proposed change is considered temporary, ICMA-RC has supplied each plan sponsor with a letter that needs to be sent to ICMA-RC concerning these changes pending final resolution with the IRS. The letter is attached as backup. Should the final resolution require a permanent change to the plan, staff will prepare the amended plan document and resolution for the City Commission's final approval.

These temporary changes do not effect any mandatory contributions being made by employees. The mandatory contributions will continue without change until they are amended via the collective bargaining process.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission authorize the City Manager to sign the letter temporarily suspending the irrevocable voluntary contributions, and enrollments for such, to the Retiree Health Savings Plan for the plan year beginning January 1, 2007.

Alternative Recommendation A:

The City Commission could choose not to authorize the temporary suspension. The current contributions would continue, however the City cannot be sure how the IRS will treat these contributions from a tax perspective.

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060717.

Settlement of Worker's Compensation Claim - Edgel Brown (NB)

This item involves the full and final settlement Edgel Brown's worker's compensation claim(s), which will include all future medical and indemnity payments as well as all set aside amounts. The total settlement amount is \$100,000 and represents a significant cost advantage to the City.

Explanation: While employed as a firefighter, Mr. Brown developed high blood pressure/hypertension which led to certain heart problems that have required ongoing medical treatment. As a result of his injuries, the present potential exposure to the City in future indemnity payments and medical treatment is in excess of \$330,000.

Recently, the City and Mr. Brown attempted to mediate a settlement of his worker's compensation claim. Mr. Brown and his attorney, Lance Avera, have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, Fire Department, Special Counsel and the City's Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount of \$100,000 includes all attorney fees, future medical costs, past and future indemnity payments, taxable costs and all set aside amounts.

Fiscal Note: The settlement of this case in the amount of \$100,000 will be paid out of the General Insurance Fund.

RECOMMENDATION

The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Brown, in the amount of \$100,000.

060665.

Compensation Study (B)

Adopt the 2006 Compensation Study for Managerial, Administrative and Professional (MAP) and Communication Workers of America (CWA) jobs and approve implementation effective January 2007.

Explanation: In September 2003, the CWA Local 3170 and the Gainesville City Commission ratified a three-year labor contract. Addendum A of the contract requires the City to update pay lines with current market data and adjust the structure accordingly to be effective with the next contract (January 2007).

Wachovia Employer Solutions Group was selected from an RFP process to perform a compensation review of the CWA and MAP employee groups. Their methodology included gathering market data for 200 job classifications. These were then reviewed with Management and the CWA representatives.

Wachovia presented the results of the study to the City Commission on September 25, 2006. The City Commission referred this item to a workshop for further discussion. At the completion of the Workshop held on October 16, 2006, the City Commission directed staff to present additional options for discussion on November 13, 2006. Staff presented three options as follows:

- 1) An implementation plan that places a cap on the percentage increase received by any individual.*
- 2) An implementation plan that places a cap on the dollar increase received by any individual.*
- 3) An implementation plan that places a cap on the dollar increase or the percentage increase received by any individual.*

Staff recommends Option 3 with a dollar cap of \$7,500 or a percentage cap not exceeding 20%. Under this option, no individual will receive a raise in excess of \$7,500 and, except in the case of CWA employees, no individual will receive an increase in excess of 20%. This implementation option will affect 37 MAP employees and will result in a three year implementation for MAP employees. In addition, employees receiving an increase less than \$1,000 will receive the difference in a one-time lump sum payment. This will ensure that every employee receive a minimum of \$1,000.

Fiscal Note: The FY2007 budget includes increases of approximately 4.1% of payroll and contingency funds to bridge the gap. The implementation plan proposed will result in an increase of approximately 4.4% of payroll. The FY2007 proposed budget including contingencies provides sufficient funding to implement the consultant's recommendation.

RECOMMENDATION

The City Commission adopt the proposed pay plan and approve the implementation plan as outlined in Option 3.

Alternative Recommendation A:

The City Commission adopt the proposed pay plan and approve the implementation plan as outlined in Option 1 and set a cap on the percentage increase allowed any individual.

Alternative Recommendation B:

The City Commission reject the proposed pay plan and direct staff as appropriate.

Legislative History

11/13/06 City Commission Continued (6 - 0 - 1 Absent)

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

060749. Purchase of Property in the 4500 block of North Main Street (NB)**Authorize the purchase of 117.68 acres in the 4500 block of North Main Street for the construction of an Eastside Operations Center.**

Explanation: In 2001 staff began working to identify and secure a site for an Eastside Operations Center. The construction of a new Operations Center will allow the relocation of several utilities field operations from downtown. Operations proposed to be relocated include water distribution, wastewater collection, eastside electric transmission and distribution, eastside engineering, field services, substation and relay, gas and electric measurement, warehousing and materials storage, and an expanded training facility. In addition, the system control center located at the intersection of NW 53rd Avenue and NW 43rd Street is proposed for relocation to this site.

Selection criteria for a new Operations Center site includes 1) appropriate zoning and future land use requirements for utility operations, 2) sufficient developable acreage to meet operations needs now and in the future, and 3) effective access to major arterial transportation corridors. Approximately twenty-six sites were identified and evaluated by staff to determine if they met the required criteria. In addition, the feasibility and fiscal impact of developing each site was evaluated.

In 2004 property in the 4500 block of North Main Street was evaluated and determined by staff to meet all of the necessary requirements for the construction of an integrated Operations Center. Subsequently, in 2005 a Purchase and Sale Agreement, contingent upon City Commission approval, an acceptable appraisal, satisfactory environmental assessments and capable of achieving development approval, was negotiated between staff and the property owner for the purchase of the 117.68 acre site. Staff has completed a review of land use and zoning, wetlands and other environmental considerations and determined that the property can be developed as an operations center subject to state and local regulations.

An appraisal of the property, prepared by a State Certified Appraiser, with an MAI (Member of the American Institute of Real Estate Appraisers) designation, indicates the market value of the property to be approximately 1.44% higher than the negotiated purchase price.

Fiscal Note: Funds for the property acquisition were approved in the Fiscal Year 2007 Budget.

RECOMMENDATION

The City Commission: 1) approve the Purchase and Sale Agreement for the purchase of property in the 4500 block of North Main Street from T. J. Hawes Land Trust, in a amount not to exceed \$2,611,770.00 plus closing costs, as negotiated by staff; and 2) authorize the Interim General Manager or her designee to execute all documents necessary to complete the purchase of the property in accordance with the Purchase and Sale Agreement, subject to

approval by the City Attorney as to form and legality.

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

060743.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of November 13, 2006, as circulated.

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060750.

Annual Membership Dues (B)

RECOMMENDATION

The City Commission: 1) Transfer \$2,417.50 from Contingency to the Clerk of the Commission to pay annual membership dues to the Florida League of Mayors (\$1,000), New Cities Project (\$1,000) and Sister Cities International (\$417.50); and 2) Increase the Clerk's budget in subsequent years to continue these memberships.

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060751.

Resignation of Board of Adjustment Member Curtis Cooper (B)

RECOMMENDATION

The City Commission accept the resignation of Curtis Cooper from the Board of Adjustment effective immediately.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC SAFETY COMMITTEE, CONSENT

060712.

State LECFTF Funding for purchase of two (2) Segway Personal Transporters (B)

This item requests that the City Commission appropriate and expend an

amount not to exceed \$12,000 from the State Law Enforcement Contraband Forfeiture Fund for the purchase of two (2) Segway Personal Transporters for the Gainesville Police Department.

Explanation: The Segway Personal Transporter is a versatile and productivity-enhancing policing solution designed specifically for the needs of police officers who work in a variety of terrains and environments. The Segway maximizes an officer's visibility as well as his or her ability to be seen by others. Raising an officer an additional 9.5 inches off the ground, it places an officer a clear head above the crowd. Segway riders have superior sight lines for traffic management, crowd control and community policing. The Segway makes officers more approachable and allows them to respond quickly to emergency situations in environments which are not user friendly to vehicles. The Gainesville Police Department sees application in the following areas and/or situations; the Gainesville Regional Airport, the Oaks Mall, the downtown area, during special events where vehicle patrol is difficult, and patrolling our parks.

.Fiscal Impact

Funds for this expenditure are available in the State Law Enforcement Contraband Forfeiture Trust Fund, as allowed under FSS 932.7055(4)(a). Balance of the State Law Enforcement Contraband Forfeiture Trust Fund is \$17,500.

RECOMMENDATION

Recommended Motion: The City Commission authorize the appropriation and expenditure of an amount not to exceed \$12,000 from the State Law Enforcement Contraband Forfeiture Trust Fund, for the purchase of two (2) Segway Personal Transporters.

Alternative Recommendation A: The City Commission authorizes the purchase of one Segway Personal transporter.

Alternative Recommendation B: The City Commission declines the appropriation and direct staff to seek alternative options.

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060713.

Funding for Gainesville Police Department's Domestic Violence Unit Crime Victim Advocate (NB)

This item involves receiving \$45,652 from Federal Law Enforcement Contraband Forfeiture Trust funds.

Explanation: The City of Gainesville has long recognized the need to provide services and assistance to the victims of crime within our community. Over the past few years, the City of Gainesville has partnered with the Alachua County Office of Victim Services to provide Victim Advocate services in conjunction with the Gainesville Police Department's Domestic Violence Unit. For the past several years, the U.S. Department of Justice's Domestic Violence Grant has reimbursed the Alachua County Office of Victim Services for the cost of the Victim Advocate.

The grant expired on September 30, 2006, and we will be submitting a solicitation to the U.S. Department of Justice in January for new funding on October 1, 2007. This funding request will reimburse the Alachua County Office of Victim Services for the cost of continuing to provide the Victim Advocate through this fiscal year.

Fiscal Note: Funds are available in the Federal Law Enforcement Contraband Trust Forfeiture fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of the Federally Forfeited Property for the State and Local Law Enforcement Agencies." The available balance in the FLECF TF account is \$700,002.03.

RECOMMENDATION

Recommended Motion: The City Commission approves the appropriation and expenditure of \$45,652 from the Federal Law Enforcement Contraband Trust Forfeiture fund for the reimbursement to the Alachua County Office of Victim Services for fulltime services provided by the Victim Advocate.

Alternative Recommendation A: The City Commission decline approval of proposal.

Alternative Recommendation B: The City Commission modify the proposal prior to approval.

REGIONAL UTILITIES COMMITTEE, CONSENT

060168.

Referral Item #060168 - Review of current standards for construction, retrofit and maintenance of City buildings (NB)

The RUC has requested that the City Commission recommend to the Community Redevelopment Agency (CRA) that they consider whether points should be given in the transformational project program in a manner that would more greatly influence energy conservation in CRA projects.

Explanation: On October 12 2006, the Regional Utilities Committee (RUC) received a staff presentation on item #060168 - Review of current standards for construction, retrofit and maintenance of city buildings. Staff described the implementation of a self directed work team to oversee this review effort. The team will develop an energy and water efficiency plan for the City of Gainesville and progress reports of this effort will be provided to the RUC periodically. As part of this discussion Commissioner Donovan asked if the City had good conservation and efficiency requirements or suggestions in our CRA review. After some discussion, it was suggested that the RUC recommend to City Commission that the CRA consider whether points should be given in the transformational project program in a manner that would more greatly influence energy conservation in CRA projects.

RECOMMENDATION

The City Commission refer to the CRA the issue of whether points should be given in the transformational project program in a manner that would more greatly

influence energy conservation in CRA projects.

Legislative History

6/12/06	City Commission	Referred (7 - 0)	Regional Utilities Committee
6/12/06	City Commission	Referred	General Manager for Utilities
6/13/06	City Commission	Referred	City Manager
9/20/06	Regional Utilities Committee	Deferred	
10/12/06	Regional Utilities Committee	Discussed	

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

060692.

GRU Manager Interview Selection Meeting(s) (B)

RECOMMENDATION

The City Commission reschedule the meeting dates to one of the set of dates listed below using the special meeting format adopted on November 13, 2006.

- 1. Tuesday January 16th @ 5:00PM/Wednesday January 17th @ 3:00PM*
- 2. Wednesday January 17th @ 5:00PM/Thursday January 18th @ 3:00PM(Conflicts with the State of City Address - Would require working around the address)*
- 3. Friday January 19th @ 1:00PM/Saturday January 20th @ 3:00PM*

1st Special Meeting-Interview GRU Manager Candidates

2nd Special Meeting @ 3:00PM-Rank/Select GRU Manager Candidate(s) and authorize Mayor to negotiate and recommend contract to City Commission

*January 22, 2007 Regular Meeting
1:00PM-Rank/Select GRU Manager Candidate(s) and*

authorize Mayor to negotiate and recommend contract to City Commission

Legislative History

11/13/06 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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CITY MANAGER

060236.

Responses to RFP for Supplemental Shelter and Services (B)

At the July 24, 2006 City Commission meeting, the City Commission authorized staff to issue a Request for Proposals (RFP) to solicit proposals from local providers to provide additional shelter and services to address the needs of the homeless during the upcoming winter months. Responses to the RFP were received on October 20, 2006, and are now presented to the City Commission for consideration.

Explanation: Staff was authorized on July 24, 2006 to issue a Request for Proposals (RFP) to solicit proposals from local providers to provide additional shelter and services to address the needs of the homeless during the upcoming winter months (December 2006 - March 2007). The RFP was issued on October 2, 2006, with a response date of October 20, 2006. The responses to the RFP are now being presented to the City Commission for consideration.

Two proposals were received in response to the RFP. The Alachua County Housing Authority (ACHA) proposed a hotel/motel voucher program wherein ACHA would issue vouchers to qualified homeless persons to stay at selected area hotels/motels on designated cold nights. Currently, cold nights are defined as nights when the predicted low temperature is 45°F or lower. This proposal was to provide this shelter for up to 25 people per night.

The second proposal was submitted by St. Francis House, which could house up to 60 persons in addition to its current capacity of 35 persons on designated cold nights (45°F or lower). This version of cold night shelter would be provided at the current St. Francis House location.

The rankings based on the evaluation of these proposals are included in the back-up. Copies of the complete RFP and the proposals from the two providers are on file in the Purchasing Division.

Fiscal Note: The City Commission has budgeted \$25,000 in the FY 2007 General Fund budget for the provision of supplemental shelter and services for the homeless. An additional \$25,000 is available for this or other homeless services and facilities, including the proposed one-stop center.

RECOMMENDATION

Recommended Motion: The City Commission receive a report on responses to the City's RFP for supplemental shelter and services. In an effort to promote the dispersal of services and avoid concentration in the

downtown area, staff recommends awarding contracts to both St. Francis House and the Alachua County Housing Authority with \$25,000 to be shared equally.

Alternate Recommendation A: The City Commission receive a report on responses to the City's RFP for supplemental shelter and service and defer action.

Legislative History

7/24/06 City Commission Approved as Recommended (7 - 0)
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060714.

Leadership General Government (LGG) Class VII (B)

This presentation will introduce the members of Leadership General Government Class VII.

Explanation: Leadership General Government is a citywide leadership development program. Each year applications are received from interested City employees who desire to participate in the LGG Program. From these applications and department head nominations, a class of 10-15 individuals is selected to complete the year-long program. April Shuping, a member of the current class, will introduce the participants and review the Program requirements.

Fiscal Note: None

RECOMMENDATION

The City Commission hear a presentation from April Shuping representing Leadership General Government Class VII.

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060715.

Leadership General Government (LGG) Class VII Group Project Presentation - Centralized Volunteer Program within City Government (B)

This is a presentation by Leadership General Government Class VII of their group project and a request to direct staff to implement a proposal for a centralized volunteer program, including designating a volunteer coordinator.

Explanation: Leadership General Government (LGG) Class VII chose as its group project to prepare a proposal for implementing a centralized volunteer program for volunteer opportunities within City government.

Currently, many departments fill existing volunteer opportunities through a variety of application and screening processes. The City currently has no centralized program for recruiting, retaining and rewarding City volunteers.

LGG Class VII's proposal is built on the basis of designating a volunteer coordinator who would be responsible for (1) implementing and managing a

centralized application and selection process using the City's website, (2) overseeing a cohesive marketing campaign designed and implemented by Marketing and Communications, (3) building partnerships with area agencies and schools, and (4) planning and implementing a volunteer recognition program.

Staff will utilize existing resources, including designating an intern to coordinate the program. Staff will evaluate the results of the program after the first year of operations and will make future funding recommendations as a part of the budget process if a permanent full of part-time volunteer coordinator or other additional resources are needed. The funding for this position (or other associated costs) may be provided if savings are realized through the increased use of volunteers.

Fiscal Note: No existing resources will be used.

RECOMMENDATION

The City Commission direct staff to implement the proposal to create a centralized volunteer program, including the designation of a volunteer coordinator, all of which should be accomplished using existing resources.

*Alternate Recommendation A:
The City Commission take no action.*

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GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC SAFETY COMMITTEE

060275.

Civil Citation for Municipal Ordinance Violations (B)

This is a Public Safety Committee report out recommending authorization for the City Attorney to make appropriate ordinance amendments.

Explanation: At the July 18, 2006 Budget meeting, the City Commission referred the issue of using the civil citation process for some of the municipal ordinance violations to the Public Safety Committee. The Public Safety Committee held two meetings and heard from City Attorney and Gainesville Police Department staff, as well as numerous citizens.

Beginning in January 2005, the City Attorney assumed the duty of prosecuting municipal ordinances as a result of changes in state law. The City Attorney staff presented a review of statistics on their prosecution of municipal ordinances in the county court, which requires a City Attorney be present in the courtroom on numerous occasions. There is a significant amount of waiting time in the courtroom because City cases are included with all other state misdemeanors. Additionally, like other misdemeanor charges facing criminal defendants, the courts often allow guilty defendants to only pay court costs for municipal ordinance violations. This review caused the City Attorney's Office to request that the Gainesville Police and University Police Department's consider allowing greater flexibility to its officers to enforce the open container and public urination ordinances, both through notices to appear and civil citations, or a combination of both. Additionally, in the civil context, the City Attorney believes that the courts would be more inclined to award higher monetary penalties for violations of municipal ordinances.

In ongoing discussions between the City Attorney and UPD and GPD Chiefs, the Public Safety Committee heard strong feelings expressed for no changes in enforcement to the open container law. In an effort to minimize the personnel impact on City Attorney staff, while not diminishing the importance of maintaining a safe community environment, law enforcement and attorney staff presented a compromise. Public urination violations account for the second highest number of cases prosecuted, and while not to discount this public nuisance crime, the committee heard that law enforcement is willing to have a trial period for prosecuting these crimes utilizing the civil citation rather than criminal process.

RECOMMENDATION

The City Commission 1) approve the Public Safety Committee's recommendation to utilize the civil citation process to enforce violations of the public urination ordinance, 2) authorize the City Attorney to make the appropriate amendments to the ordinances to permit public urination violations to be enforced by civil citation, without warnings and to make this a Class II violation with a \$125 minimum base fine, and 3) remove this item from the pending referral list.

Legislative History

7/18/06	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
8/17/06	Public Safety Committee	Discussed	
10/19/06	Public Safety Committee	Discussed	

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AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

REGIONAL UTILITIES COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

060754. Mayor Pegeen Hanrahan - Home Makeover (NB)

RECOMMENDATION *Hear a presentation from SFCC Student Body Vice President Kristen Adams regarding SFCC's "Home Makeover" Program and authorize the Mayor to sign a letter of support on behalf of the City Commission.*

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

060752. Crop Walk Day - December 3, 2006 (B)

RECOMMENDATION *Crop Walk Coordinator Reverend Fred Depenbrock of First Presbyterian Church to accept the proclamation.*

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060753. Pearl Harbor Remembrance Day - December 7, 2006 (B)

RECOMMENDATION *Members of the Gator Detachment of the Marine Corp League to accept the proclamation.*

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CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

PUBLIC HEARINGS

ADOPTION READING**060110****LAND USE CHANGE - GATORWOOD APARTMENTS (B)****Ordinance No. 0-06-68, Petition No. 36LUC-06PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the "Planned Use District" category over certain property, as more specifically described in this ordinance, with the underlying land use category of "Mixed-Use Low-Intensity (8-30 units per acre)"; located in the vicinity of 2337 Southwest Archer Road; providing terms, conditions and restrictions; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The subject property is approximately 9.15 acres in size. Old Archer Road abuts on the north. Immediately north of Old Archer Road is Southwest Archer Road (SR 24). A single-family residence and University of Florida agriculture facilities are located on abutting parcels to the south. Southwest 23rd Street abuts the subject property on the east. A warehousing and distribution facility is located immediately west.

Gatorwood Apartments, a vacant multi-family residential development, is currently located on the subject property. The applicant would like to demolish the Gatorwood Apartments development and replace it with a new, mixed-use residential development. The new, mixed-use residential development will involve the construction of a multi-story building to include multi-family residential units, office space, retail space and an internal parking facility. Other proposed features include stormwater facilities, landscape/open space areas, sidewalks, and a new bus shelter.

The principal use will be multi-family residential, which is proposed at 40 dwelling units per acre. This density will allow a maximum of 366 multi-family residential units. The multi-story building will be constructed to a maximum height of 70 feet, which exceeds the maximum five-stories permitted by right within the current land use district. The application documents indicate that the proposed increase in density and intensity promotes infill development that will accommodate population growth in the area near the University of Florida, Shands Healthcare, and the Veteran's Administration Medical Center.

The City Plan Board considered the above-referenced petition at a public hearing held May 18, 2006. By a vote of 4-0, the City Plan Board approved Petition 36LUC-06PB with staff conditions, and modified Condition 12 of the staff report to read as follows: A maximum of three driveway connections shall be allowed onto public right-of-way, one from Old Archer Road and two from Southwest 23rd Street, subject to approval by the relevant regulating authorities.

Public notice was published in the Gainesville Sun on May 2, 2006. Letters were mailed to surrounding property owners on May 3, 2006. The Plan Board held a public hearing on May 18, 2006.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/26/06 City Commission Approved (Petition) with Staff Conditions (7 - 0)

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

060111.

PLANNED DEVELOPMENT – GATORWOOD APARTMENTS (B)

Ordinance No. 0-06-69, Petition No. 37PDV-06PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands in the City, as more specifically described in this Ordinance, and amending the Zoning Map Atlas from the zoning category of “MU-1: 8-30 units/acre mixed use low intensity” to the zoning category of "Planned Development District"; located in the vicinity of 2337 Southwest Archer Road, as more specifically described in this Ordinance; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject property consists of approximately 9.15 acres. Old Archer Road abuts the subject property on the north, and immediately north of Old Archer Road is Southwest Archer Road (SR 24). A single-family residence and University of Florida agriculture facilities are located on abutting parcels to the

south. Southwest 23rd Street abuts on the east. A warehousing and distribution facility is located immediately west.

Gatorwood Apartments, a vacant multi-family residential development, currently occupies the subject property. The applicant would like to demolish the Gatorwood Apartments development and replace it with a new, mixed-use residential development. According to the applicant's attached PD Report entitled, "Gatorwood Apartments: Planned Development Report" and PD Layout Plan Map, the proposed development will involve the construction of a multi-story building with a maximum height of 70 feet. The building will include multi-family residential units up to 40 dwelling units per acre. The building will also include office space, retail space and an internal parking facility. Other proposed features include stormwater facilities, landscape/open space areas, sidewalks, and a new bus shelter.

According to the applicant, the PD zoning designation will allow the use of innovative design features in redeveloping the subject property as a mixed-use residential development. The applicant has also expressed that the PD zoning designation, in association with the requested PUD land use designation, will allow redevelopment of the subject property at a higher density than currently allowed, in order to accommodate a growing population within the University of Florida, Shands Hospital and the Veteran's Administration Hospital area.

The City Plan Board considered the above-referenced petition, at a public hearing held May 18, 2006. By a vote of 4-0, the City Plan Board approved Petition 37PDV-06PB with staff conditions, and modified Condition 14 of the staff report to read as follows: The total number of vehicle parking spaces provided shall not exceed one per bedroom. The City Plan Board also recommended that the owner/developer try to orient the retail portion of the proposed development toward Old Archer Road.

Public notice was published in the Gainesville Sun on May 2, 2006. Letters were mailed to surrounding property owners on May 3, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/26/06 City Commission Approved (Petition) with Staff Conditions (7 - 0)

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060416.

STREET VACATION – SHANDS CANCER HOSPITAL PROJECT (B)

Ordinance No. 0-06-111, Petition 111SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southwest 14th Terrace located in the vicinity between the south right-of-way line of Railroad Street, north of the south property line of Lot 3 of Block 7 of Little Gandy Subdivision, as more specifically described in this Ordinance; reserving public and private utilities

easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: **COMMUNITY DEVELOPMENT STAFF REPORT**

This is a request to vacate a portion of Southwest 14th Terrace to facilitate the development of a cancer hospital and associated facilities.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City and; 2) the second reading of the ordinance approving the street vacation of a portion of Southwest 14th Terrace located between the south right-of-way line of Railroad Street, as shown on Little Gandy subdivision, to a point 10 feet north of and parallel to the south property line of Lot 3 of Block 7 of Little Gandy Subdivision shall be coordinated with the final sign-off of the site plans for Shands Cancer Hospital. The Plan Board has at this point approved the Special Use Permit for a height of eight stories for the hospital, along with preliminary development plan approval.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing on August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement is included in the backup to this Ordinance, and the Agreement applies equally to all other street vacation ordinances relating to this Project. Please note that the terms of the Agreement were the subject of negotiations with the applicant and in some respects may vary from the conditions approved at the petition hearing.

RECOMMENDATION

The City Commission: 1) adopt the proposed ordinance; and 2) authorize the City Manager to execute the Vacation of Right-of-Way Agreement subject to the approval of the City Attorney.

Legislative History

9/25/06 City Commission Approved (Petition) with Conditions, As Modified (7 - 0)

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060417.

STREET VACATION – SHANDS CANCER HOSPITAL PROJECT (B)

Ordinance No. 0-06-112 Petition 112SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southwest 14th Street located in the vicinity between Southwest 12th Avenue and Southwest 13th Avenue, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request to vacate a portion of Southwest 14th Street to facilitate the development of a cancer hospital and associated facilities.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City; and 2) the second reading of the ordinance approving the street vacation of a portion of Southwest 14th Street located between Southwest 12th Avenue and Southwest 13th Avenue shall be coordinated with the final sign-off of the site plans for Shands Cancer Hospital. The Plan Board at this point approved the Special Use Permit for a height of eight stories for the hospital, along with preliminary development plan approval.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing on August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement is included in the backup of Legistar No. 060416. Please note that the terms of the Agreement were the subject of negotiations with the applicant and in some respects may vary from the conditions approved at the petition hearing.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/25/06 City Commission Approved (Petition) with Conditions, As Modified (7 - 0)

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060418.

STREET VACATION – SHANDS CANCER HOSPITAL PROJECT (B)

Ordinance No. 0-06-113 Petition 113SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of the alley located between Southwest 13th Avenue and Southwest 14th Avenue between S.W. 13th Street and S.W. 14th Street, as

more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: *COMMUNITY DEVELOPMENT STAFF REPORT*

This is a request to vacate a portion of the Block B 3 alley located between Southwest 13th Avenue and Southwest 14th Avenue to facilitate the development of a cancer hospital and associated facilities.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City; and 2) the second reading of the ordinance approving the street vacation of a portion of Block B 3 alley located between Southwest 13th Avenue and Southwest 14th Avenue shall be coordinated with the final sign-off of the site plans for Shands Cancer Hospital. The Plan Board at this point approved the Special Use Permit for a height of eight stories for the hospital, along with preliminary development plan approval.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement is included in the backup of Legistar No. 060416. Please note that the terms of the Agreement were the subject of negotiations with the applicant and in some respects may vary from the conditions approved at the petition hearing.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/25/06 City Commission Approved (Petition) with Conditions, As Modified (7 - 0)

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060419.

STREET VACATION – SHANDS CANCER HOSPITAL PROJECT (B)

Ordinance No. 0-06-114 Petition 114SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of the alley located between Southwest 12th Avenue and Southwest 13th Avenue between Southwest 13th Street and Southwest 14th Terrace, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary

interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request to vacate a portion of the Block B 5 alley located between Southwest 12th Avenue and Southwest 13th Avenue to facilitate the development of a cancer hospital and associated facilities.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City; and 2) the second reading of the ordinance approving the street vacation of a portion of the Block B 5 alley located between Southwest 12th Avenue and Southwest 13th Avenue shall be coordinated with the final sign-off of the site plans for the Shands Cancer Hospital.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing on August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement is included in the backup of Legistar No. 060416. Please note that the terms of the Agreement were the subject of negotiations with the applicant and in some respects may vary from the conditions approved at the petition hearing.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/25/06 City Commission Approved (Petition) with Conditions, As Modified (7 - 0)

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060420.

STREET VACATION – SHANDS CANCER HOSPITAL PROJECT (B)

Ordinance No. 0-06-115 Petition 115SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of the alley located between Southwest 12th Avenue and Southwest 13th Avenue between Southwest 13th Street and Southwest 14th Street, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request to vacate a portion of the Block B 2 alley located between Southwest 12th Avenue and Southwest 13th Avenue to facilitate the development of a cancer hospital and associated facilities.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City; and 2) the second reading of the ordinance approving the street vacation of a portion of the Block B 2 alley located between Southwest 12th Avenue and Southwest 13th Avenue shall be coordinated with the final sign-off of the site plans for the Shands Cancer Hospital. The Plan Board at this point approved the Special Use Permit for a height of eight stories for the hospital, along with preliminary development plan approval.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement is included in the backup of Legistar No. 060416. Please note that the terms of the Agreement were the subject of negotiations with the applicant and in some respects may vary from the conditions approved at the petition hearing.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/25/06 City Commission Approved (Petition) with Conditions, As Modified (7 - 0)
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060421.

STREET VACATION - SHANDS CANCER HOSPITAL PROJECT (B)

Ordinance No. 0-06-110 Petition 116SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southwest 12th Avenue located between Southwest 14th Street and the southern right-of-way line of Railroad Street, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: **COMMUNITY DEVELOPMENT STAFF REPORT**

This is a request to vacate a portion of Southwest 12th Avenue, located between

Southwest 14th Street and the southern right-of-way line of Railroad Street, to facilitate the development of a cancer hospital and associated facilities.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City; and 2) the second reading of the ordinance approving the street vacation of a portion of Southwest 12th Avenue located between Southwest 14th Street and the southern right-of-way line of Railroad Street, as shown on the Little Gandy subdivision, shall be coordinated with the final sign-off of the site plans for Shands Cancer Hospital. The Plan Board has at this point approved the Special Use Permit for a height of eight stories for the hospital, along with preliminary development plan approval.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement is included in the backup of Legistar No. 060416. Please note that the terms of the Agreement were the subject of negotiations with the applicant and in some respects may vary from the conditions approved at the petition hearing.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/25/06 City Commission Approved (Petition) with Conditions, As Modified (7 - 0)
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060431.

STUDENT COMMUNITY RELATIONS ADVISORY BOARD (B)

Ordinance 0-06-96

An ordinance of the City of Gainesville, Florida, creating in Chapter 2, Article V a new Division 15 entitled Student Community Relations Advisory Board; providing for membership, officers, attendance requirements, legal counsel, rules of procedure, functions, powers and duties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On September 11, 2006, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance creating a Student Community Relations Advisory Board.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/11/06 City Commission Approved as Recommended (4 - 0 - 3 Absent)
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ORDINANCES, 2ND READING- ROLL CALL REQUIRED**060494.****PROPORTIONATE FAIR SHARE FOR TRANSPORTATION CONCURRENCY (B)****Ordinance No. 0-06-126; Petition 136TCH-06 PB**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, by creating a new Division 3, section 30-37 through 30-41, under Article III, relating to proportionate fair share for transportation concurrency; 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

This petition creates a new proportionate fair-share ordinance as required by Chapter 163.3180(16) Florida Statutes. The new ordinance must be adopted by December 1, 2006.

The 2005 amendments to Florida's Growth Management legislation require that each local government enact an ordinance that will allow developers to meet transportation concurrency requirements on failing roadways through a proportionate share contribution under certain conditions. The developer must contribute a fair share of the cost of improving the impacted transportation facility.

Under previous State law, local governments could not issue development orders for developments impacting roads operating at a deficient level of service (LOS) unless certain Comprehensive Plan tools had been implemented such as Transportation Concurrency Exception Areas (TCEAs), Multi-Modal Transportation Districts (MMTDs), or Transportation Concurrency Management Areas (TCMAs). The City of Gainesville implemented a TCEA to address our transportation concurrency deficiencies in 1999 and updated it in 2005 to add an additional Zone C.

The State now has added proportionate fair-share as a new tool for meeting transportation concurrency requirements outside of TCEAs, MMTDs, or TCMAs. Proportionate fair-share is a pay-as-you-go method that does not require immediate resolution of the roadway LOS deficiency, but transportation projects satisfying the LOS deficiencies on these facilities must be programmed for improvement in the 5-Year Schedule of Capital Improvements or a long-term concurrency management system.

Public notice was published in the Gainesville Sun on September 5, 2006. The Plan Board held a public hearing September 21, 2006. The Plan Board heard

and approved the Petition, as revised, by a vote of 4-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. The ordinance was adopted on first reading with revisions that were suggested by the Builders Association of North Central Florida.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/23/06	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
11/13/06	City Commission	Adopted on First Reading, as amended (Ordinance) (6 - 0 - 1 Absent)

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060414.

STREET VACATION – JEFFERSON 2ND AVENUE (B)

Ordinance No. 0-06-108, Petition 96SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southwest 5th Terrace located in the vicinity between Southwest 2nd Avenue and Southwest 3rd Avenue, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: **COMMUNITY DEVELOPMENT STAFF REPORT**

The petitioner is proposing to develop a 4.55-acre site with a mixed-use development consisting of 275 apartments, 8,404 square feet of retail space, an approximately 4,000-square foot clubhouse and amenity center, and a six-story parking garage with 846 parking spaces. The site is located along the western edge of the Central City District, and is located within the Traditional City Special Area Plan. The subject property, consisting of seven parcels, is generally bounded by Southwest 2nd Avenue to the north, Southwest 4th Avenue to the south, Southwest 6th Street to the west and Southwest 5th Street to the east. The seven parcels, however, are currently divided by two local streets, Southwest 3rd Avenue and Southwest 5th Terrace. In an effort to combine the parcels into no more than two separated sites, the petitioner is requesting to vacate, abandon and close that portion of Southwest 5th Terrace located between Southwest 2nd Avenue and Southwest 3rd Avenue. Southwest 5th Terrace is considered a minor local street because it dead-ends into both Southwest 2nd Avenue and Southwest 3rd Avenue in that area and is only one block long (5th Terrace is off-set north of Southwest 2nd Avenue), and functions more as an access/service drive than a local street.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the site plan for the Jefferson 2nd Avenue multi-family development must be approved by the City; 2) the second reading of the ordinance approving the street vacation of Southwest 5th Terrace shall be coordinated with the final sign-off of the site plan for Jefferson 2nd Avenue; 3) the petitioner shall not remove Southwest 5th Street or its infrastructure until the petitioner has received a building permit for Jefferson 2nd Avenue and begun actual construction of the multi-family development; and 4) in the event Jefferson 2nd Avenue is not constructed and completed within five years of sign-off of the finalized site plan by planning staff, then the street vacation ordinance may be repealed and the vacation, abandonment and closure of the right-of-way shall be of no further force and effect. At this point the Development Review Board has approved the preliminary site plan.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/25/06	City Commission	Approved (Petition) with Conditions, As Modified (7 - 0)
11/13/06	City Commission	Adopted on First Reading (Ordinance) and Approved the Recommendation (6 - 0 - 1 Absent)

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060553.

ANNUAL AUDIT OF ACCOUNTS (B)

Ordinance No.: 0-06-116

An ordinance of the City of Gainesville, Florida, relating to the publication of the annual audit of accounts, amending section 2-433, revising the method by which the audit report will be published; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On October 9, 2006, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the method by which the audit report will be published.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/9/06 City Commission Approved as Recommended (6 - 0 - 1 Absent)
 11/13/06 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
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RESOLUTIONS- ROLL CALL REQUIRED**PLAN BOARD PETITIONS****060584.****Street Vacation, Southeast 23rd Street (B)**

This petition is to vacate, abandon and close a portion of Southeast 23rd Street (approximately 242 feet) located between the new north right-of-way line of Southeast 23rd Street and the east right-of-way line of Southeast 8th Avenue.

Explanation: The purpose of this request is to vacate the abandoned northerly portion of Southeast 23rd Street running north from the new north right-of-way line of Southeast 23rd Street to the east right-of-way line of Southeast 8th Avenue. The approximately 0.11 acre right-of-way to be vacated was platted as 30 feet wide per the New Gainesville plat, Plat Book "A", page 66 of the Public Records of Alachua County, Florida. This northerly portion of Southeast 23rd Street was abandoned as part of the Southeast 8th Avenue Extension project, as other right-of-way property was acquired to properly align the new Southeast 8th Avenue at the Hawthorne Road and Southeast 24th Street Extension. As a result, this northerly portion serves no public use, but it does serve as access to the privately owned abutting business. Upon vacation of the right-of-way, the adjacent business owner would be responsible for maintenance of this paved right-of-way.

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

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 155SVA-06 PB, with the condition that a utility easement be retained over the vacated area.

Plan Board vote 7-0

Staff to Plan Board - Approve 155SVA-06 PB, with the condition that a utility easement be retained over the vacated area.

Alternative Recommendation A: Deny the petition.

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060703.**Street Vacation Southeast 14th Street (B)**

This petition is to vacate, abandon and close a portion of an alley located between Southeast 3rd Avenue and Southeast 4th Avenue and between Southeast 14th Street and Southeast 15th Street.

Explanation

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

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

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 19SVA-06 PB with the condition that a utility easement be retained over the vacate area.

Staff to Plan Board - Approve

Planning Division staff recommends approval of Petition 19SVA-06 PB, with the condition that a utility easement be retained over the vacated area.

Alternative Recommendation A: Deny the petition.

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DEVELOPMENT REVIEW BOARD PETITIONS**SCHEDULED EVENING AGENDA ITEMS****050613.****Extension of Time for Lincoln Park Subdivision, Petition 120SUB-05 DB (B)**

A request by the property owner to extend the time for filing an application for Final Plat approval.

RECOMMENDATION

Staff recommends approval of the extension.

Alternative Recommendation A: City Commission deny the extension and require the applicant to resubmit the design plat for approval.

Legislative History

11/28/05 City Commission Approved (Petition) with Staff Conditions (7 - 0)

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UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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