

City of Gainesville

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



Meeting Agenda

March 13, 2006

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

050908

2005 Technology Grant Program, Federal Earmark (B)

This item requests the City Commission approval for the proposed use of the \$123,330 2005 Technology Grant Program, Federal Earmark funds.

Explanation: The City of Gainesville was awarded a Federal Earmark of \$246,661 from the COPS Law Enforcement Technology Grant award. The City of Gainesville has received \$123,330 of the funding from this grant. By Memorandum of Understanding between the City and the Alachua County Sheriff's Office, executed on May 26, 2005, the Alachua County Sheriff's Office will receive \$123,331 to fund the Sheriff's Geographic Information System. The Federal Earmark Grant approved for the continuing efforts of the Gainesville Police Department to increase the efficiency of its police officers and police service technicians in the performance of their duties to the citizens of Gainesville through the use of technology equipment. The Gainesville Police Department proposes to utilize the funds received under this grant to purchase mobile printers, mobile printer equipment, and high speed wireless access network interface cards.

Mobile printers and the supporting printer equipment will give police officers and police service technicians the ability to print certain affidavits, forms, and reports in the field from their police vehicles that currently require them to drive to the Gainesville Police Department headquarters to print or hand-write on a

pre-printed form. This will allow for additional information to be captured electronically in the recently implemented Records Management Database where the information can be more easily used for data analysis purposes.

Wi-Fi, or 802.11a/b/g, high speed wireless access network interface cards will be used by police officers and police service technicians in their City-issued laptops. The high speed cards will give them access to the City of Gainesville's network directly through the current wireless access points located at the Gainesville Police Department which have been installed in cooperative efforts with the City of Gainesville's Computer Services staff and the Gainesville Police Department's Information Technology staff. They will further have the ability to access the City of Gainesville's network via approved public and private wireless access points throughout the city using our current security protocols. Having these high speed wireless access cards will provide police officers and police service technicians the ability to perform more of their duties from within their police vehicles, in the field, thus allowing them more time to be visible and available to the citizens of Gainesville.

Fiscal Note: The \$123,330 in grant funds provided by the Office of Community Oriented Policing Services (COPS) is distributed up front instead of on a reimbursement basis. The award can fund projects through the end of the current fiscal year. This grant deadline is eligible for extensions with approval from the COPS Office. There are no required local matching funds for this grant award. Funds for this grant are available in account number 115-810-X515-5210-3009.

RECOMMENDATION

The City Commission: 1) Approve the issuance of a purchase order to Prosys Information Systems, Inc., in an amount not to exceed \$106,200 for the purchase of 225 HP 460cb mobile printers and related mobile printer equipment and 285 Cisco 802.11a/b/g high speed wireless access network interface cards to be installed in the police vehicles. (Prosys Information Systems, Inc. is an approved state contract vendor for the purchase of computer related equipment, pursuant to State Contract Number 250-000-03-1. In addition, this vendor has offered a volume discount for this order, a savings of 7,305 off the state contract price.); and 2) approve the remaining funds of \$17,130 to be used to purchase mounting equipment and related installation costs to secure the printers in the vehicles as approved by the Fleet Operations Manager and the Chief of Police/designee.

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050927

Settlement of Worker's Compensation Claim - James Long (NB)

This item involves the full and final settlement of James Long's worker's compensation claim, which will include all future medical and indemnity payments as well as all set aside amounts. The total settlement amount is \$111,000 and represents a significant cost advantage to the City.

Explanation: While employed as a Maintenance Worker, Mr. Long suffered a crushing injury to his left leg that required hospitalization with ongoing medical treatment. As a result of his injury, and subsequent permanent work restrictions imposed by his treating physicians, Mr. Long is no longer able to perform the essential functions of his job as a Maintenance Worker.

Recently, the City and Mr. Long attempted to mediate a settlement of his worker's compensation claim. Mr. Long and his attorney, Steve Kalishman, have agreed to the proposed settlement. The City Attorney's Office, the Risk Management 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, \$111,000, 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 \$111,000 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. Long, in the amount of \$111,000.

050995

Interlocal Agreement on Urban Reserve Areas and Extra -territorial Areas (B)

This is the Interlocal Agreement between the City of Gainesville and Alachua County on the purpose and nature of extra-territorial areas.

Explanation: On January 10, 2006 in accordance with the five-year update of Urban Reserve Areas as detailed in the Alachua County Boundary Adjustment Act, the Alachua County Commission approved updated Urban Reserve Areas, Extra-territorial Areas and Statement of Services for each of the municipalities in the County. As part of this process, the County Commission adopted an interlocal agreement that sets forth the criteria under which a municipality may expand their Reserve Areas into their Extra-territorial Areas; and/or the criteria for the expansion of a municipality's Reserve Area into the ETA of another municipality.

This Interlocal Agreement is consistent with the Alachua County Boundary Adjustment Act in the designation of Urban Reserve Areas. It designates Extra-territorial Areas for the cities of Alachua, Archer, Hawthorne, High Springs, Lacrosse, Micanopy, Newberry, and Waldo, along with the terms and conditions under which ETAs may be expanded in future updates.

The Agreement states in paragraph 3 that "Nothing in this agreement shall be construed to require that the County include any part or all of an ETA in an expanded reserve area for the cities named as part of their next five year update under the BAA." It further states that these ETAs may be considered for inclusion in the reserve area of another municipality, including the City of

Gainesville, as part of the next update if it meets the criteria under the BAA.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission: 1) authorize the Mayor, as agent for the City, to sign the Interlocal Agreement on Urban Reserve and Extra-territorial Areas.

Alternative Recommendation A:

The City Commission: 1) discuss the Interlocal Agreement; 2) make modifications; and 3) authorize the City Manager to communicate these suggested modifications to County Staff for the County Commission's consideration.

Alternative Recommendation B:

The City Commission decline the option of entering into the Interlocal Agreement with the County.

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050997

Change Order # 1 to the Renovation of Fire Station # 4 adding ADA Accessible Restroom (B)

This item will increase the Purchase Order to Sandpiper Builders, LLC by \$3,573.50 for renovations to Fire Station #4 and extend the completion date to April 8, 2006.

Explanation: The Facilities Management Department is renovating Fire Station # 4 to upgrade to ADA standards and adding one ADA restroom designated for female staff. The original bid came in at \$24,810 so City Commission approval was not necessary. After bid, a new fire alarm system was installed, making modifications to the planned renovations necessary. Electrical, plumbing, phone and grill work were required in order to meet fire alarm codes. The result is an additional project cost in the amount of \$3,537.50 for a new total of \$28,347.50. The completion date must also be extended to April 8, 2006.

Fiscal Note: The Facilities Management Department has funds available in account # 9999 332 910 M627 6020 5220.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the increase in the purchase order to Sandpiper Builders, LLC in the amount of \$3,537.50; 2) authorize the City Manager to issue a change order to Sandpiper Builders, LLC for \$3,537.50; and 3) change the completion date on the purchase order to April 8, 2006.

Alternative Recommendation A: The City Commission deny the requested increase in the purchase order. The impact would be that the work would not be completed as desired for ADA compliance and for the additional

restroom for female staff.

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050998

Gainesville Police Department's Electrical Performance Contracting Program (B)

This item will install an energy management system plus replace the existing HVAC system and convert to more efficient lighting at the Gainesville Police Headquarters building.

Explanation: The City Commission has advised its interest in supporting sustainability projects and staff have made efforts in that direction. Gainesville Police Department (GPD) is in need of a new heating and cooling system, as well as upgrades to the electrical lighting system. As a result, the Facilities Division sought advice from Gainesville Regional Utilities (GRU) on an appropriate approach. GRU advised of a program that would address energy management issues and allow the City to obtain new equipment without the burden of paying the up front cost. GRU has a contractual relationship with Siemens Building Technologies, Inc., which is also on state contract, to provide energy management services to GRU customers. Siemens Building Technologies, Inc. has developed a proposal for GPD to replace the two centrifugal chillers, the two cooling towers, all of the interior building lighting and install an energy management system. The cost of this upgrade will be \$942,136 but will be offset by an equal amount of savings on the GPD utility bill. Siemens Financial Services, Inc. will finance the \$942,136 for 12 years @ 4.37% interest for total annual payments of \$112,449. This will be offset annually by \$98,649 in projected energy savings and \$14,000 in projected maintenance work that does not have to be performed. Thus the total cost of the system will be \$1,349,388. Using this program will result in additional costs of \$407,252 over the life of the project; however, GPD does not have the funds to pay for the new system outright.

Fiscal Note: The Gainesville Police Department will use the savings on their monthly utility bills to pay Siemens Financial Services, Inc. Funds in the amount of the projected energy savings (\$98,649) and reduced maintenance costs (\$14,000) will be moved annually from the GPD and Facilities Management operating budgets, respectively, into an account designated to pay the principal and interest under the proposed contract.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the signing of an agreement with Siemens Building Technologies, Inc., subject to review and approval by the City Attorney, and 2) authorize the City Manager or his designee to sign an agreement with Siemens Financial Services, Inc. in the amount of \$942,136.

Alternative Recommendation A:

The City Commission: 1) deny the requested energy management systems approval and approve payment of

\$15,000 to Siemens Building Technologies for engineering services in developing this proposal; and 2) identify up \$942,136 in up front funds to perform the services described above.

Alternative Recommendation B:

The City Commission: 1) deny the requested energy management systems approval and approve payment of \$15,000 to Siemens Building Technologies for engineering services in developing this proposal; and 2) identify an alternate long-term payment arrangement to pay for the new equipment and lighting for GPD.

Alternative Recommendation B:

The City Commission deny the requested energy management systems approval and approve payment of \$15,000 to Siemens Building Technologies for engineering services in developing this proposal and direct staff appropriately.

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050999

Grant Application for Recreational Trail Program Grant Funds for Depot Park (B)

This item involves a request to submit a grant application to the Florida Department of Environmental Protection (FDEP) for Recreational Trail Program Grant Funds for Depot Park.

Explanation: The Recreational Trail Program Grant (RTP) offers up to \$200,000 in funding for building non-motorized trail projects. The first trail project to be built on the Depot Park site is the Depot Park Trail, which will connect the Depot Avenue rail trail with the Downtown Connector via the southern end of the 6th Street Trail. This project is estimated to cost \$700,000 and includes paving, landscaping, irrigation, benches, and lighting. The project will be built after the remediation of the former-CSX site anticipated in 2008. The grant applications are due on March 13, 2006.

Fiscal Note: The total amount of funding needed to complete the project is estimated at \$700,000. The grant can provide up to \$200,000 with the balance of \$500,000 coming from City funds, which exceeds the \$200,000 grant match requirement. With the approval of \$1million in the 2007-2011 Capital Improvement Plan request for Depot Park, \$500,000 of these funds can be used to cover the remaining funding gap and provide the grant match.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to submit the grant application to FDEP for the Recreational Trail Program Grant Funds; 2) authorize the City Manager

to allocate \$500,000 to the trail project from sources dedicated to Depot Park recreation development to cover the funding gap and provide grant matching funds; and 3) authorize the City Manager to execute all documents associated with this grant, if awarded, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission decline applying for the Recreational Trail Program Grant Funds. The resulting fiscal impact is the forfeiture of up to \$200,000 in grant assistance.

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051000

Purchase of Cast Iron Manhole Rings and Covers (B)

This item involves a purchase of Cast Iron Manhole Rings and Covers from Hughes Water & Sewer, LTD, in the amount of \$25,509.48.

Explanation: On February 8, 2006, the Public Works Department received quotes from six vendors for the purchase of Cast Iron Manhole Rings and Covers. Hughes Water & Sewer, LTD, was the lowest responsive quote and meets all required specifications. This purchase is for an estimated 18-month inventory for use by the Operations Division for maintenance and construction needs.

Fiscal Note: The purchase amount for the Cast Iron Manhole Rings and Covers is \$25,509.48. The funding for this purchase is available in the Public Works Department Stormwater Management Utility Fund (SMUF) Closed Water Course account.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the purchase of the Cast Iron Manhole Rings and Covers from Hughes Water & Sewer, LTD.; and 2) authorize the City Manager to issue a purchase order not to exceed \$25,509.48.

Alternative Recommendation A: The City Commission reject this request for purchase and ask for the Public Works Department to re-solicit for quotes using a lesser quantity of materials for a shorter inventory period. The resulting fiscal impact would be a possible decrease in the total cost of the purchase thereby reducing the amount of funds expended from the SMUF Closed Water Course operating budget.

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051001

Request the City Attorney to Revise Floodplain Ordinance (B)

This item involves a request to revise the Floodplain Ordinance based on the completion of a new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for the City of Gainesville. In order to assure participation in the National Flood Insurance Program, Gainesville must adopt the FIS and FIRM in accordance with 44 Code of Federal Regulations Section 60.3.

Explanation: The new FIS and FIRM effective date will be June 16, 2006. The new effective date must be referenced in the City's Floodplain Ordinance to ensure participation in the National Flood Insurance Program. Other revisions to the Floodplain Ordinance are also needed. These revisions were identified by the Florida Department of Community Affairs following the last National Flood Insurance Program Community Assistance visit on February 10, 2004.

The Public Works Department will provide the necessary revisions to the City Attorney's office for consideration and review.

Fiscal Note: None.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Attorney to work with the Public Works Department staff to draft the required revisions to the Floodplain Ordinance; and 2) authorize the Clerk of the Commission to advertise the Floodplain Ordinance.

Alternative Recommendation A: The City Commission refer the proposed Floodplain Ordinance revision to the Public Works and Environment Committee for review and direction.

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051003

Vacate Alley Running from Southeast 14th Street to Southeast 15th Street, North of Southeast 4th Avenue (B)

This item involves a request for the City Commission to approve a petition to the Planning Department to vacate an alley at the request of the Public Works Department.

Explanation: Public Works has received a request from an adjacent property owner to vacate an alley running from Southeast 14th Street to Southeast 15th Street, north of Southeast 4th Avenue (approximately 5,550 square feet or 0.13 acres). The alley was platted as fifteen feet wide as per the Williams Subdivision, Plat Book "D", page 1, of the Public Records of Alachua County, Florida. The alley is not paved and occasionally gets over grown with vegetation. There is no physical access to the alley and serves no public use. The Public Works Department recommends the vacation of the alley while retaining an overall utility easement.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

Recommended Motion: The City Commission: 1)

approve the request of the Public Works Department to vacate a fifteen foot wide alley running from Southeast 14th Street to Southeast 15th Street, north of Southeast 4th Avenue while retaining an overall utility easement; and 2) authorize the Planning Department to circulate a petition to the City Plan Board to vacate a fifteen foot alley running from Southeast 14th Street to Southeast 15th Street, north of Southeast 4th Avenue while retaining an overall utility easement.

Alternative Recommendation A: The City Commission deny this request and the City retains maintenance and other associated liabilities.

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051004

Vacate the Abandoned Northerly Portion of Southeast 23rd Street (B)

This item involves a request for the City Commission to approve a petition to the Planning Department to vacate the abandoned northerly portion of Southeast 23rd Street right-of-way at the request of the Public Works Department.

Explanation: The Public Works Department has received a request from an adjacent property owner 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 (approximately 4,800 square feet or 0.11 acres). This right-of-way was platted as thirty feet wide as 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 was acquired to properly align the new Southeast 8th Avenue at the Hawthorne Road and 24th Street Extension. As a result, this northerly portion serves no use to the public but does serve as access to the privately owned abutting business. Upon vacation, the adjacent business owner would be responsible for maintenance of the paved access way. The Public Works Department recommends vacation of the abandoned northerly portion of Southeast 23rd Street while retaining an overall utility easement.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the request of the Public Works Department to vacate a thirty foot wide street, 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 while retaining an overall utility easement; and 2) authorize the Planning Department to circulate a petition to the City Plan Board to vacate a thirty foot

wide street, 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 while retaining an overall utility easement.

Alternative Recommendation A: The City Commission deny the request for vacation of the alley and the City retains the associated liabilities.

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051005

Authorization to Request Voluntary Annexation of Kanapaha Lake and Gardens (NB)

This is a request to authorize the Mayor to submit a letter to the County Commission requesting the voluntary annexation of Kanapaha Lake and Gardens, which is contiguous to the City limits and City-owned property, and support the voluntary petition for the annexation of the University of Florida Center for Training, Research, and Education for Environmental Occupations.

Explanation: On May 14, 2001, the City of Gainesville enacted Ordinance Number 00108 (File ID 001160), which annexed Parcel Numbers 06677-001-000, 06680-004-001, and 06680-007-000, commonly know as Split Rock Park. Parcel numbers 06836-004-000, 06872-002-000 and 06909-002-000, which are County-owned and commonly know as Kanapaha Lake and Kanapaha Gardens, are contiguous to this property, and now eligible for annexation. The annexation of Kanapaha Lake and Kanapaha Gardens would allow the City to annex city-owned property that is adjacent to the County property.

In addition, the University of Florida Center for Training, Research, and Education for Environmental Occupations (TREEO) is eligible for annexation along with the City's property. In order for this property to be annexed, the State of Florida has asked for a letter from the County stating they do not oppose the annexation of this parcel.

Staff has reviewed the requirements of the Boundary Adjustment Act. This area meets the requirements of the Act and is appropriate for annexation.

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

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

RECOMMENDATION

The City Commission: 1) authorize the Mayor, as agent for the City, to sign the petition for voluntary annexation of city-owned property in the SW area of

Split Rock Park; 2) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agent; 3) authorize the Mayor to send a letter to the County requesting the County sign a voluntary petition for annexation; 4) authorize the Mayor to send a letter to the County asking for support of the TREEO Center voluntary annexation; 5) to direct the City Manager to analyze the area; and 6) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.

Alternative Recommendation A:

The City Commission: 1) authorize the Mayor, as agent for the City, to sign the petition for voluntary annexation of city-owned property in the SW area of Split Rock Park; 2) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agent; 3) authorize the Mayor to send a letter to the County asking for support of the TREEO Center voluntary annexation; 4) to direct the City Manager to analyze the area; and 5) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.

Alternative Recommendation B:

The City Commission: 1) authorize the Mayor, as agent for the City, to sign the petition for voluntary annexation of city-owned property in the SW area of Split Rock Park; 2) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agent; 3) to direct the City Manager to analyze the area; and 4) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.

Alternative Recommendation C:

City Commission take no action at this time.

051006

Replacement of Sand Filtration Units and Circulation Pump at Andrew R. Mickle, Sr. Pool (B)

This is a request for the City Commission to award the bid for provision of labor and materials for a sand filter system replacement at the Andrew R. Mickle, Sr. swimming pool, located at 1717 SE 15th Street.

Explanation: The Andrew R. Mickle, Sr. Pool (Mickle Pool) was built by the City in 1989 and

the pool's filtration system is part of that original construction project. As a result, the facility is currently experiencing major operational deficits with this system.

It should be noted that in March of 2003, the pool shell was failing and the City at a cost of \$75,000 installed a new PVC Pool Liner.

The current filtration system at the Mickle Pool has had numerous failures over the last few operating seasons. During the 2005 season, the pool was shut down a total of six times in order to repair holes that developed in the sides of the filter tanks. Staff was able to patch the tanks in order to remain in operation to complete the season, but the tanks cannot continue to operate in this manner. A total failure is imminent. The tanks are corroding from the inside out and have outlived their useful life. If the filtration tanks are replaced, the city is required to replace the current circulation pump as this original pump no longer meets minimum flow requirements as set forth in the Florida Administrative Code Chapter 64E-9 (Department of Health, Public Swimming Pools and Bathing Places).

In order to remedy this situation and open the facility for the 2006 season, the Department of Parks, Recreation and Cultural Affairs is requesting that the existing equipment be removed and new equipment meeting current Health Department operating requirements be installed.

The Department of Parks, Recreation and Cultural Affairs solicited proposals for the project. The RFP was posted on January 25, 2006 with a submittal deadline of February 13, 2006. Galaxy Chemical Corporation, d.b.a. Galaxy Pools, was the only responsive bidder, with two other contractors submitting a "no bid" response. There were two options listed in the RFP. Option one was to install the new system with a manual backwash system in order to clean the filter. Option two included an automatic backwash system for cleaning the filter. The department recommends the system including the automatic backwash system in order to reduce possible damage to the new system and to reduce personal services costs in order to backwash the system. The cost of the project as recommended is \$55,583.

Failure to approve the purchase and installation of the new equipment will result in the Department's current operational status leading to frequent closures of the facility due to filter system repairs during the upcoming swimming season.

Facility closures impact both attendance and revenues. For the 2006 season, staff is estimating recreational swim attendance at 1,454 and revenues in the amount of \$1,470.67. Estimated participant numbers for 2006 are based on prior year's attendance and operations. By eliminating unscheduled closures to the pool, staff feels both attendance and revenues for 2006 would be higher.

Fiscal Note: The bid amount is \$55,583 for removal of existing equipment and installation of new equipment. Funding for this project will come from the Capital Improvement Revenue Bonds Series 2005 Proceeds.

RECOMMENDATION

The City Commission: 1) approve award of the bid for the replacement of existing filtration and circulation

equipment at the Andrew R. Mickle, Sr. Pool to Galaxy Chemical Corporation, d.b.a. Galaxy Pools; and 2) authorize the City Manager or designee to execute all contract documents and issue a purchase order in an amount not to exceed \$55,583.

Alternative Recommendation A: The City Commission not authorize the expenditures for a new filtration tank and circulation pump and require staff to continue to make repairs to the current tanks as needed or until the filtration system fails completely and the facility must be closed.

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051008

Consultant Services - Compensation Study (B)

This item involves a request for the City Commission to authorize contract negotiations with Wachovia Employer Solutions Group to perform the City's Compensation Review for CWA and MAP employees.

Explanation: In September 2003, the Communications Workers of America (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).

The Request for Proposal to select a compensation consultant to review the CWA and MAP pay plans was advertised in the Gainesville Sun on December 23 & 28, 2005 and January 4, 2006 and posted on the web at www.Demandstar.com. The deadline for receipt of proposals was set for 3:00 PM on January 20, 2006 at which time the Purchasing Office received eight (8) submittals from interested firms. Of the eight (8) submittals reviewed, the Evaluation Team invited three firms to make oral presentations. The oral presentations were held on February 8, 2006 with one firm declining the invitation. The Scoring Sheets were submitted to the Purchasing Office and the Final Tabulation ranks the Wachovia Employer Solutions Group as the committee's first choice.

Fiscal Note: The total cost of the contract is \$110,000 and is available in the FY2006 General Fund operating budget.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to initiate contract negotiations with Wachovia Employer Solutions Group and execute the contract and any related documents including contract amendments and extensions.

*Alternative Recommendation A:
The City Commission: 1) reject the proposals and authorize to staff to re-advertise for a Compensation Consultant.*

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

051031

Release of Easement at 7705 SW 24th Avenue (B)

Executive Summary: Staff is requesting that an easement granted to the City in 1991 at 7705 SW 24th Avenue, on Tax Parcel No. 06850-028-002, for the installation, operation and maintenance of electric utility facilities be released to facilitate new development.

Explanation: Earl and Sarah Deck granted the City a fifteen foot wide easement in 1991 for the installation, operation and maintenance of electric utility facilities needed to serve their residence at 7705 SW 24th Avenue. Subsequently, the property was sold, the residence removed, and the electric facilities abandoned in order to facilitate the development of Tower 24, a planned development. The new owner has requested that the City release the easement granted in 1991 in order to avoid future encroachments as result of the new development.

Staff has reviewed this request and confirmed that there are no utility facilities located within the easement area and therefore has no objection to the City releasing its interest in the easement.

RECOMMENDATION

The City Commission: 1) approve the release of an easement located at 7705 SW 24th Avenue, Tax Parcel No. 06850-028-002; and 2) authorize the Mayor to execute the Release of Easement document subject to approval by the City Attorney as to form and legality.

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051032

Release of Electric Easement at 2708 SW Archer Road (B)

Executive Summary: Staff is requesting that an easement granted to Florida Power Corporation in 1959, subsequently transferred to the City in 1974, be released to facilitate new development.

Explanation: Pursuant to an antitrust litigation settlement in 1974, Florida Power Corporation's electric distribution facilities in various areas of town were sold to the City of Gainesville and numerous electric easements covering the facilities were assigned to the City. One of the easements assigned to the City was an easement granted to Florida Power Corporation in 1959 over Tax Parcel Number 06757-003-000, located at 2708 SW Archer Road. This easement was acquired for the installation, operation and maintenance of electric utilities to serve a trailer park at the site. Since that time the trailer park has been removed as well as the Florida Power facilities installed to serve the site.

Recently, plans for the development of a small hospital on the site, currently referred to as "Select Medical", were submitted to the City of Gainesville. To

make way for the new development and in an effort to clear up any clouds on the title to the site, the owner has requested that the 1959 Florida Power Corporation easement be released.

Staff has reviewed this request and has confirmed that there are no electric facilities on the site except an underground electric line serving a communications tower, which is covered by a separate easement granted to the City in 2004. Therefore staff has no objection to the City releasing its interest in the 1959 Florida Power Corporation easement.

RECOMMENDATION

The City Commission: 1) approve the release of a Florida Power Corporation easement assigned to the City of Gainesville over Tax Parcel Number 06757-003-000, located at 2708 SW Archer Road; and 2) authorize the Mayor to execute the Release of Easement document subject to approval by the City Attorney as to form and legality.

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051033

Release of Easement at 3423 SW Williston Road (B)

Executive Summary: Staff is requesting that an easement granted to the City of Gainesville for the installation of electric utility facilities be released due to the relocation of the lines to facilitate a new development on the site.

Explanation: James D. Henderson, II, Frederick L. Henderson, together with Claudia H. Brill, granted the City a fifteen foot wide easement in January of 1996 for overhead electric utility facilities at 3423 SW Williston Road. Recently, development plans were submitted and approved by the City for the expansion/redevelopment of the existing service station located at the site. In conjunction with the new development, the existing overhead electric line located within the 1996 easement has been removed and new underground electric utilities have been installed in another location on the site to serve the new development. New easements have been granted to the City to cover the new facilities.

The owner has requested that the City release the 1996 easement since there are no longer any utilities located within the easement. Staff has reviewed this request and has no objection to the City releasing the easement.

RECOMMENDATION

The City Commission: 1) approve the release of an easement at 3423 SW Williston Road; and 2) authorize the Mayor to execute the Release of Easement document subject to approval by the City Attorney as to form and legality.

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051033a_200603131300.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS

051028**BRANDON S. REEB VS. JOAN MILLER AND CITY OF GAINESVILLE
CODE ENFORCEMENT DIVISION, ET AL.; ALACHUA COUNTY
CIRCUIT COURT; CASE NO.:
01-06-CA-0565 (B)**

Explanation: On February 23, 2006, the City of Gainesville's Code Enforcement Manager was served with a summons and complaint by Plaintiff, Brandon S. Reeb. The Complaint seeks to quiet title to property acquired by the Plaintiff by Tax Deed on January 3, 2004. The City may have Code Enforcement liens recorded against the property.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Brandon S. Reeb vs. Joan Miller and City of Gainesville Code Enforcement Division, et al.; Alachua County Circuit Court; Case No.: 01-06-CA-0565.

051028_200603131300.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**051025****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of February 21, 2006 and February 27, 2006 as circulated.

051025a_20060313.pdf

051025b_20060313.pdf

051034**Rules of the City Commission (NB)****RECOMMENDATION**

The City Commission authorize a change to move the Pledge of Allegiance and Proclamations/Special Recognitions to 5:30 pm and Citizen Comment to 6:00 pm.

In addition, it is recommended that the prohibition of signs in the auditorium or where the City Commission meets also be included.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC WORKS COMMITTEE, CONSENT**

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

050752 Supplemental Homeless Shelter and Services (NB)

This item is a referral related to file #050709.

Explanation: On December 12, 2005, the City Commission referred the issue of police background checks for the homeless to the Public Safety Committee. This referral was made during discussions on responses to RFP's for supplemental homeless shelter and services (#050709).

The Public Safety Committee discussed this referral at the February 16, 2006 meeting and heard from staff that while the City's RFP for emergency shelters during the winter months does address wanted checks, there is no requirement for shelter groups to conduct them. The Committee also heard that Holy Trinity, one of the temporary homeless shelters, does use the criteria of contacting police based on any overt negative behavior and as well, their staff also conducts sexual offender/predator checks using the Florida Department of Law Enforcement web site. Winter shelter staff also work cooperatively with the Gainesville Police Department regarding providing information, when asked, on sheltered individuals for whom police are searching. It was additionally noted that the St. Francis House and Salvation Army do have the requirement of clients getting wanted checks from the police department before they can stay at their facilities. The police department noted the distinction between a wanted check (which is acceptable to release) and criminal background checks, in that law enforcement cannot, by law, release criminal history information to anyone other than law enforcement.

Committee member Commissioner Donovan concurred with staff's findings that the temporary shelters seem to have a good handle in this regard in their attempts to provide shelter needs, without placing formal barriers on individuals seeking assistance.

RECOMMENDATION

*The City Commission accept the Public Safety Committee's report out with no action recommended and remove this item from the pending referral list.
NOTE: This item is being forwarded as the recommendation of one member of the Committee.*

Legislative History

12/12/05	City Commission	Referred (7 - 0)	Public Safety Committee
2/16/06	Public Safety Committee	Discussed	

HISTORIC PRESERVATION BOARD, CONSENT

051009**Appeal of a Certificate of Appropriateness for a Fence in the Southeast Historic District (B)**

This is an appeal of a Certificate of Appropriateness for a fence in the Southeast Historic District, in which the approval was conditioned on the height not exceeding six feet.

Explanation: James J. Konish has appealed the Historic Preservation Board's approval with conditions of his request for an after-the-fact Certificate of Appropriateness (COA) for the installation of a fence located at 120 Southeast 7th Street. The property is located in the Southeast Gainesville Historic District.

The petitioner installed an eight-foot-tall fence and gates within the Southeast Historic District. The fence and gates were partially constructed when Code Enforcement cited the petitioner for failing to obtain a COA. The petitioner then placed flashing and dirt against the lower two feet of the fence.

The petitioner paid the after-the-fact COA application fee of \$336.00 and submitted to staff the required COA application. At the February 7, 2006 Historic Preservation Board meeting, staff recommended approval of the COA with the condition of reducing the height of the fence and gates to six feet, based on the City's Historic Preservation Design Standards. The Board unanimously approved the Certificate of Appropriateness with that condition.

RECOMMENDATION

Staff recommends the item be deferred to the March 27, 2006 City Commission meeting at the request of the petitioner.

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COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****051022****Contracts for Supplemental Cold Weather Shelter and Services (B)**

On December 12, 2005, the City Commission approved three contracts with local providers for supplemental cold weather shelter and services. A representative of one of the providers has requested an amendment to allow funds to be shifted from one contract to another.

Explanation: At its December 12, 2005, meeting, the City Commission approved three contracts with local providers for supplemental cold weather shelter and services. The three contracts, totaling \$108,000, were approved as follows:

*Alachua County Housing Authority - Hotel/Motel Voucher Program (\$51,435)
Alachua County Housing Authority in Partnership with Holy Trinity Episcopal Church - Cold Weather Shelter at Holy Trinity Episcopal Church (\$30,000)
St. Francis House - Cold Night Shelter at St. Francis House (\$26,565)*

St. Francis House began providing cold night shelter under its contract on December 19, 2005, while the Alachua County Housing Authority began its cold weather shelter programs on January 1, 2006.

A representative of Holy Trinity Episcopal Church, which is working in partnership with the Alachua County Housing Authority, has requested contract amendments that would allow the Housing Authority to shift funds between its two contracts. This is due to the higher than anticipated utilization of the cold weather shelter at Holy Trinity Episcopal Church.

Staff has considered this request in light of the objectives of the original request for proposals (RFP) for supplemental cold weather shelter and services that was issued by the Purchasing Division and the objectives of the City's Land Development Code. The intent of both the RFP and the Land Development Code is, in part, to disperse shelters and services throughout the community rather than have them concentrated in one location. Staff is aware that two of the proposals for cold weather/cold night shelter were geographically located in the downtown area, but both had indicated reasonable limits on the numbers of persons who were expected to be sheltered. In consideration of the dispersal objective and the fact that all three contracts for supplemental cold weather shelter and services will expire on March 31, 2006, staff recommends not approving the requested amendments.

In the meantime, City staff will continue to work with the Implementation Committee of the 10-Year Plan to End Homelessness and staff from the County and local homeless providers to achieve a dispersal of shelters, housing and services for the homeless throughout the community. The Implementation Committee is currently prioritizing the projects and initiatives that were outlined in the 10-Year Plan. Near the top of the Implementation Committee's initial priorities, for example, is the establishment of a "first step"/one-stop services center.

Fiscal Note: Funds for the three current contracts for supplemental cold weather shelter and services is being provided on a 50/50 basis from City funds and a private donation (Account #123-790-G110-5690).

RECOMMENDATION

Recommended Motion: The City Commission not approve amendments to the contracts with the Alachua County Housing Authority.

Alternative Recommendation A: The City Commission approve amendments that would shift a portion of the funds for the Alachua County Housing Authority

hotel/motel voucher program to the cold weather shelter at Holy Trinity Episcopal Church program.

Alternative Recommendation B: The City Commission defer action on the request to amend the contracts.

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051015

Digital Camera Acquisition, Installation, and Five (5)-year Maintenance Agreement for the Downtown Plaza and Clock Tower (NB)

This item involves the appropriation and expenditure of \$29,808 from the Federal Law Enforcement Contraband Forfeiture Trust Funds for the purchase of digital cameras and related equipment.

Explanation: In recent years, the number of events at the Downtown Plaza has drastically increased, as has the number of citizens visiting the downtown area. With the increase in activities, the opportunity for the criminal element to prey on citizens has grown. In recent months, several significant incidents have occurred giving cause for concern for public safety. In October 2005, approximately 200 individuals were involved in a melee in the Downtown Plaza after the Homecoming Parade, when an expected concert did not materialize. In December 2005, Doris Bardon was injured when a suspect committed a strong arm robbery and stole her purse.

Under this proposal, five (5) digital cameras will be strategically mounted on existing superstructure of the Downtown Plaza and are designed to blend in with the framework so as not to be obtrusive. The cameras will monitor activity in the area of the Downtown Plaza, as well as the area surrounding the Clock Tower. The cameras will not be monitored but will hold data for thirty (30) days for retrieving in the event of a crime. The cost of the equipment is \$19,728, with an additional \$10,080 (\$2,016/yr) for a five-year maintenance agreement. ADT Security Systems will provide the security camera system, along with the annual maintenance of the system. Pricing for the system is under the State of Florida State Purchasing Agreement # 6803163-PA.

Fiscal Note: Funds are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and are 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 account is \$4,349,828.37.

RECOMMENDATION

Recommended Motion: The City Commission approve the appropriation and expenditure of \$29,808 from Federal Law Enforcement Contraband Trust Forfeiture Fund for the purchase of a security camera system and five-year maintenance agreement and authorize the City Manager to execute any necessary documents, subject to the approval of the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission

decline approval of proposal.

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

051023

Traffic Management System Funding Partnerships (B)

This item is to authorize staff to request Alachua County include funding assistance for the Traffic Management System within the County's FY 07 Capital Improvement Program as well as through the Florida Department of Transportation's Transportation Regional Incentive Program.

Explanation: Staff has developed phasing and funding strategy plans for the Traffic Management System (TMS). Alachua County, Florida Department of Transportation and the University of Florida have all expressed interest in participating in a funding partnership.

The Florida Department of Transportation (FDOT) has a new funding program, Transportation Regional Incentive Program (TRIP) that is available to regional transportation areas (RTA). A RTA has to consist of multiple counties and/or Metropolitan Planning Organizations to partner in a project that has regional significance. Staff believes the TMS would qualify as a regional project to facilitate traffic movement into and around Alachua County because of the major employment centers located within the county - specifically the University of Florida and Shands Medical Center. Because the FDOT looks to the counties for leadership in applying for such funds, staff has asked Alachua County to send a letter to FDOT requesting funds for the TMS through TRIP. A letter from the City Commission supporting this application will be helpful in putting together the RTA that is required. In addition, staff would like authorization to work with the MTPPO staff to develop partnerships with Alachua County, Putnam, Gilchrist and/or Columbia County to join an RTA for the TMS project. The TRIP requires 50% local match. The total project cost is estimated at \$16 million, so an \$8 million local match will be required.

Additionally, staff recommends sending a letter to Alachua County requesting that they include funding for the TMS in their capital improvement program. Staff has conducted an analysis of the cost share between Alachua County and the City of Gainesville assuming no other funding partners are found.

Fiscal Note: There is no direct fiscal impact of this request.

RECOMMENDATION

Recommended Motion: The City Commission : 1) authorize the Mayor to execute letters of support for funding for the Traffic Management System to Alachua County and the Florida Department of Transportation; 2) authorize the City Manager to pursue funding partnerships with other entities including Alachua County, Florida Department of Transportation; and 3) authorize the City Manager to pursue the designation of a Regional Transportation Area to qualify for the

Transportation Regional Incentive Program.

Alternative Recommendation A: The City Commission take no action.

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END OF CONSENT AGENDA

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

050985

Adoption of Compensation Philosophy (B)

The City of Gainesville's Compensation Philosophy has been established to provide City-wide guiding principles for the establishment and implementation of all aspects of compensation.

Explanation: This item was discussed at the Personnel & Organizational Structure Committee on February 23, 2006 (no action, no quorum). The Commissioner present requested this item be forwarded to the next City Commission meeting on March 13, 2006.

On March 24, 2004, the City Auditor's Office presented their findings with respect to the pay study conducted in 2003. The Audit and Finance Committee recommended that the City Commission direct the Charter Officers to: 1) draft written policies providing guidance for future pay studies and submit to the City Commission for review and approval including the following: a) policies should address the timing of pay study reviews, general methodologies to be followed and how future pay studies will compare City salaries to the external market, taking into account geographic indexing, industry type and organization size; b) consideration should be given to whether future pay studies are completed in-house or by an outside consultant; c) consideration should also be given to how to include Charter Officers in the process, i.e., which Charter Officers,

what are their roles and how and when they are to be involved; and 2) provide the Commission with reports on salary increases on an annual basis, including averages over the various categories of employees and other significant issues such as redlining and one-time adjustments. On April 12, 2004, the City Commission approved this recommendation.

The Charter Officers met on February 6, 2006 to discuss their views of the City's compensation philosophy. As a result, a draft Compensation Philosophy was developed, which addresses the City's position in the external market, internal equity, timing, and the use of outside consultants to perform the work.

Consideration was also given to inclusion of Charter Officers in the process, i.e., which Charter Officers, what are their roles and how and when they are to be involved. The Charter Officers agreed on the following: 1) at the beginning of each three year period, each Charter will be given the option to participate in the pay plan update; 2) each Charter will be given the option to review the Request for Proposals and to appoint a member to the outside consultant selection team; 3) the Charter Officers will serve as an executive committee with the purpose of reviewing staff recommendations with respect to compensation and any related personnel policies and provide the City Commission with the appropriate reports; and 4) the City Auditor's Office will maintain its independence in order to retain the option to audit the implementation at the City Commission's request with the intent to make recommendations for future pay studies.

Fiscal Note: None

RECOMMENDATION

The Personnel & Organizational Structure Committee requests the City Commission: 1) adopt the Compensation Philosophy as developed by the Charter Officers; and 2) accept the process for inclusion of Charter Officers in the pay plan review process.

NOTE: This item is being forwarded as the recommendation of one member of the Committee.

Legislative History

2/22/06	Personnel and Organizational Structure Committee	Discussed
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The City of Gainesville's-Compensation Philosophy (revisions KJ).PDF

PUBLIC SAFETY COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)**CITIZEN COMMENT (5:30pm) - Please sign on sign-up sheet****COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****051029****Susan Wright Day - March 21, 2006 (B)**

RECOMMENDATION *Gainesville Civic Activist Susan Wright to accept the proclamation.*

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051030**Suicide Prevention Day - March 21, 2006 (B)**

RECOMMENDATION *Florida Suicide Prevention Coalition Representative Judy Bousquet and Alachua Crisis Center Representative Marshall Knudson to accept the proclamation.*

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PUBLIC HEARINGS**ADOPTION READING-ROLL CALL REQUIRED****050486****LAND USE CHANGE - SHOPPES AT PINWOOD (B)****Ordinance No. 0-06-24, Petition 136LUC-05PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the land use category of "Planned Use District" on certain property with the underlying land use category of "Conservation"; located in the 6600 block of Northwest 23rd Terrace (Southwest corner of U.S. 441 and Northwest 23rd Terrace); providing conditions; providing a severability clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject property is approximately 5.28 acres in size. It is presently

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

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

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

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

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

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

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

12/12/05 City Commission Approved (Petition) with staff conditions, as modified by the City Plan Board (6 - 0 - 1 Absent)

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

050487

PLANNED DEVELOPMENT - SHOPPES AT PINWOOD (B)

Ordinance No. 0-06-25, Petition No. 128ZON-05PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from "CON: Conservation district" to "Planned Development District"; located in the 6600 block of Northwest 23rd Terrace (Southwest corner of US 441 and Northwest 23rd Terrace); adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

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

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

subject property on the west.

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

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

The applicant has requested that the subject property be rezoned to PD because the permitted uses and dimensional requirements in the CON zoning district are not conducive to constructing a commercial center. The CON zoning was applied to the subject property only because the ordinance that implemented the previous PD zoning classification became invalid. This zoning classification was not applied based upon findings that indicated the subject property was "environmentally significant land," which is used in Section 30-73 of the City Land Development Code to describe land for which this zoning classification is truly intended.

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

The City Plan Board considered the above-referenced petition, at a public hearing held October 20, 2005. By a vote of 4-0, the City Plan Board approved Petition 128ZON-05PB with staff conditions and: 1. Modifying Condition 2 to state that outdoor storage will be permitted by a Special Use Permit in accordance with Section 30-67 of the Land Development Code; 2. Modifying Condition 5 to remove "TCEA (" and "Exception Area"); 3. Adding a condition that a maximum of 25 percent of the linear frontage on US 441 may consist of parking that is not within 100 feet of the roadway; and 4. Adding a condition that the final development plan return to the Plan Board rather than the Development Review Board.

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

Board held a public hearing October 20, 2005.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of December 12, 2005, authorized the City Attorney to draft the proposed ordinance rezoning certain property to Planned Development District.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/12/05 City Commission Approved (Petition) with staff conditions, as modified by the City Plan Board (6 - 0 - 1 Absent)

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050888

LAND USE CHANGE – COFRIN PARK (B)

Ordinance No. 0-06-31, Petition 51LUC-05PB

An Ordinance repealing Ordinance No. 041189 and adopting a new 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; repealing ordinance 041189; 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 manage 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

On November 28, 2005, the City Commission adopted Ordinance No. 041189 on second and final reading. This ordinance purported to change the land use categories on this property. The Department of Community Affairs notified the City that this Ordinance was invalid because it was submitted out of cycle. (See attached letter from the Department of Community Affairs.) This ordinance will address their concern and change the land use categories on the property as recommended in the Petition.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

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 adopt the proposed ordinance on first reading.

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Ordinance No. 0-06-34; Petition 170TCH-05 PB

An ordinance of the City of Gainesville, Florida, amending Appendix A, Section 3 of the Land Development Code, College Park Special Area Plan; stating prohibited uses in the College Park Special Area Plan; amending building use to allow those permitted in the Urban Mixed Use-1 (UMU-1) zoning district; amending the graphic associated with business use; amending height limits to be consistent with those in the Urban Mixed Use-1 (UMU-1) zoning district; 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

On November 14, 2005, the City of Gainesville adopted two new zoning districts—Urban Mixed Use – 1 and Urban Mixed Use – 2. The UMU-1 zoning district, which now applies to a number of parcels within the College Park Special Area Plan, allows building heights that are taller than those allowed in the College Park SAP. This petition proposes to amend the College Park SAP to make it consistent with the height provisions found in the UMU-1 zoning district. This petition, therefore, recommends that the SAP height limits be increased to be consistent with the UMU height limits, by modifying the Type 1 building regulations.

The Plan Board heard the petition, and after a presentation from staff determined that the following modifications should be made:

In addition to the language changes stated in the petition, add the following language to the College Park Special Area Plan located at Appendix A. Section 3 of the City of Gainesville Land Development Code.

Prohibited Uses

Intent. Certain uses decrease streetfront vitality, and are so exclusively oriented toward or designed to attract motor vehicles, that they contribute to visual blight, and lack of human scale for a traditional area. As a result, these uses are not compatible with the College Park neighborhood.

Standard. The following uses are prohibited:

Off-street surface parking lots as a principal use

Drive-throughs (new or expanded)

Auto dealers. Auto Service and Limited Auto Services (IN-5511, MG-753)

Carwashes (IN-7542)

Gas Service Stations (IN-5541)

Gasoline pumps when accessory to a Food Store (MG-54)

Special Use Permit

Rehabilitation centers

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

recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 170 TCH-05 PB, with modifications. Plan Board vote 5-0.

CITY ATTORNEY MEMORANDUM

This building height section in the Code (College Park Special Area Plan) was amended May 9, 2005; however, the language the Plan Board considered did not reflect the 2005 changes. The proposed ordinance is approved by staff as the correct amendment to the current code language for building height.

This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, March 27, 2006.

Fiscal Note: none

RECOMMENDATION *The City Commission (1) approve Petition 170TCH-05 PB, and (2) adopt the proposed ordinance.*

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050823

BUILDING CODE CROSS-REFERENCES - APPENDIX A (B)

Ordinance No. 0-06-28

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Code of Ordinances, relating to fees; amending and updating cross-references to the Florida Building Code (2004) in the Building and Building Regulation section of Appendix A; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of February 13, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending and updating cross-references to the Florida Building Code (2004) in Appendix A.

This ordinance requires two readings. If approved on first reading the second and final reading will be March 27, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/13/06 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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050896

LOCAL PREFERENCE IN PURCHASING (B)

Ordinance No. 0-06-33

An ordinance of the City of Gainesville, Florida, amending Ordinance

001261 of the City of Gainesville relating to local preference in purchasing; repealing the review and sunset clause so that the ordinance remains in force and effect; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on March 29, 2004, the City Commission adopted a local preference ordinance, which became effective on October 1, 2004. The ordinance provides for a 5% preference to local businesses' total bid price, or 5% of the total points of the total evaluation points. Businesses who request the local preference must provide a City of Gainesville occupational license, issued at least 6 months prior to the bid due date, and be zoned for the conduct of such a business. The ordinance further provides for certain exceptions.

Section 9 of the ordinance provides that the ordinance shall be reviewed October 1, 2005, and shall be deemed repealed March 31, 2006, unless extended by action of the City Commission. An amendment to Ordinance 00126 will repeal the review and sunset clauses in Section 9, to allow the local preference ordinance to remain in effect. The City Commission at the meeting of February 27, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to accomplish this.

This ordinance requires two readings. If passed on first reading, second and final reading will be March 27, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/27/06 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

050803

URBAN SERVICES REPORT – LOWE & BOYKIN/WARREN (B)

Ordinance No. 0-06-32

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 06712-001-0001 and 06712-002-000, generally located south of Tax Parcel 06711-000-000 and the City limits, west of SW 35th Terrace and SW 19th Avenue, north of the vicinity of SW 20th Avenue, and east of the vicinity of SW 38th Terrace; 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 March 13, 2006. 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

1/23/06	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
2/27/06	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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RESOLUTIONS- ROLL CALL REQUIRED

051002

Resolution for a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation for Service Development Grant Marketing Funds for FY 2005-2006 (B)

This item involves adoption of a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and Florida Department of Transportation (FDOT) to accept Gainesville's allocation of \$60,000 from the Service Development Grant Marketing Funds for FY 2005-2006.

Explanation: The Florida Department of Transportation allocates State Block Grant Funds for public transit systems each year. For FY 2005-2006, Gainesville's allocation is \$60,000 from the Service Development Grant Marketing Funds. FDOT requires that the governing board of each public transit system authorize the acceptance of these funds by adopting a Resolution. The Regional Transit System will utilize this \$60,000 to complete projects to: 1) support increasing transit ridership; and 2) provide research data to support implementation of area park-n-ride programs to mitigate traffic congestion along several corridors.

Fiscal Note: The Service Development Grant Marketing Funds Joint Participation Agreement requires a 50% grant match. Funds in the amount of \$60,000 for this match are available in the FY06 RTS operating budget.

RECOMMENDATION

Recommended Motion: The City Commission adopt the Resolution.

Alternative Recommendation A: The City Commission reject the motion to adopt the Resolution authorizing execution of the Joint Participation Agreement and RTS. The resulting fiscal impact is the loss of FDOT's \$60,000 allocation for FY 2005-2006.

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051027

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, election held March 7, 2006; and providing an immediate effective date. (B)

Explanation: On March 7, 2006, a city election for the election of commissioners for At-Large Seat 1, District 1 and a charter amendment was held.

RECOMMENDATION

The City Commission adopt the proposed resolution.

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PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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