

# City of Gainesville

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



## **Meeting Agenda**

**March 27, 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

**Kali Blount**

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 051016

#### **Retiree Health Savings Plan Administrative Services Agreement with ICMA-RC (B)**

**This item involves a request for the City Commission to approve the Administrative Services Agreement with ICMA-RC as it applies to the City of Gainesville 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 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 retirees' portion of the health insurance premium. The plan was implemented to help employees prepare for the increased cost of health care as a retiree.*

*Each account holder pays an administrative fee from his or her account balance, to ICMA-RC. The administrative fees are part of the Administrative Services Agreement. ICMA-RC has requested that the City update the Administrative Services Agreement to include a new fee structure. The new structure will lower the annual account fee to those account holders with lower*

account balances by five dollars per year. In addition, the annual account fee will not be applied to any account holder who is not benefit eligible. The current plan allows benefit eligibility at retirement or age 55.

*Fiscal Note:* There is no fiscal impact to the City of Gainesville, as account fees are paid for by each account holder.

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager or his designee to negotiate and execute the Administrative Services Contract with ICMA-RC subject to approval from the City Attorney as to form and legality.*

*Alternative Recommendation:*

*The RHS plan is a proprietary product of ICMA-RC and therefore utilizing another vendor is not an option at this time. Theoretically, the City could design its own plan and go through a private letter ruling process with the Internal Revenue Service. Once approved, the City would then have to complete an RFP process for administration, account management, and benefit payment processing. It is likely that this alternative would increase the overall administrative costs and reduce the funds each account holder would have available for benefit payments.*

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**051038**

**MV Transportation Performance Review (B)**

**This item involves a referral by the City Commission at their October 24, 2005, meeting for Regional Transit System (RTS) to complete a 120-day performance review and update on MV Transportation's performance and report back to the City Commission.**

*Explanation:* On October 24, 2005, the City Commission approved the Second Extension and Amendment to the Agreement between RTS and MV Transportation with a referral for RTS to complete a 120-day performance review and update report due to on-going issues with MV Transportation and report back to the City Commission.

*RTS has completed the performance review for the 120-day period and concluded that MV Transportation is in compliance with the Agreement. Staff is recommending that MV Transportation continue serving as the contracted ADA Service Provider for the City of Gainesville at this time.*

*Fiscal Note:* None

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) receive the report.*

*Alternative Recommendation A: The City Commission*

*direct the City Manager to proceed with an RFP to select another ADA Paratransit Provider for implementation on October 1, 2006. There may be additional costs associated with having an ADA Paratransit Provider separate from the Transportation Disadvantaged and Medicaid trip provider. In addition, the trip coordination will be a separate function with additional costs.*

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## 051061

### **Amendment to Personnel Policy Number 12 Military Leave (B)**

**Amendment to Policy 12 Military Leave to extend the previous ratified supplement to employee's military pay for employees called to active military duty.**

*Explanation: The City of Gainesville Policy Number 12 - Military Leave was previously amended to provide a supplement to an employee's military pay by an amount not to exceed the employee's regular base pay for those employees called to active duty. It also provides for the continuation of the City's health and basic life insurance coverage rates for employees called to active military duty to the same as those for active employees. This amendment extends the expiration date from April 1, 2006 to April 1, 2007 and reflects the latest changes in the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA).*

*Fiscal Note: Funds are currently budgeted in each departments' budget for General Government and GRU.*

#### **RECOMMENDATION**

*The City Commission ratify the amendment to City of Gainesville Personnel Policy Number 12 - Military Leave to extend the expiration date to April 1, 2007.*

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## **GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

## 051082

### **Self Contained Breathing Apparatus (B)**

**Staff recommends the purchase of Self Contained Breathing Apparatus (SCBA) for Field Services department technicians to be used when responding to gas emergencies.**

*Explanation: The Field Services department is the first responder to gas emergencies. Staff responds to an average of 1498 emergency response requests by homeowners, businesses and contractors annually, often in coordination with Gainesville Fire Rescue and Alachua County Fire Rescue. Of these, an average of 129 are due to cut gas lines that are blowing natural or LP gas at high pressures.*

*In responding to cut gas line emergencies, there is often an opportunity for a gaseous atmosphere to exist at the site. The Field Services technician may, as a*

last resort, be required to enter an area that is classified as "Immediately Dangerous to Life and Health" (IDLH) due to the lack of oxygen for breathing and the possibility of ignition of the gas while the technician makes repairs. Field Service staff presently possesses a fire resistant suit to protect the technician from the radiant heat of ignition, however; inhalation of superheated gases may cause damage to lungs and other internal organs without breathing protection. Coupled with the fire resistant protection suit, SCBA will provide the technician with breathable air to ensure that the technician will remain safe while working in a hazardous atmosphere.

Invitations to Bid were sent by Purchasing to six prospective bidders with four responding. Bidders were asked to provide pricing for training with their bid, if available. Two of the bids included training of personnel which was highly desired and two only proposed to supply the equipment. Pro Am Safety submitted the lowest bid that included training for technicians on the use of the equipment. A tabulation of the bids received is attached for your information.

*Fiscal Note:* Funding for this equipment is included in the Field Services General Plant budget for FY 2006.

**RECOMMENDATION**

The City Commission approve the issuance of a purchase order for Self Contained Breathing Apparatus (SCBA) to Pro Am Safety in the amount of \$53,893.

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**051083**

**Amendment to Asplundh Contract (NB)**

**Staff recommends an extension of the contract with Asplundh for one year.**

*Explanation:* On November 13, 2001, the City Commission approved a contract to Asplundh Tree Expert Company for electric distribution line clearance, tree trimming, right-of-way maintenance, weed control, and related work for the period commencing December 1, 2001, and ending March 31, 2005. On March 28, 2005, the City Commission approved a one year extension to the contract through March 31, 2006. This requested contract extension is the second of three allowable under the contract.

The purpose of the contract is to provide a program for vegetation management services to the electric transmission and distribution systems according to approved arboricultural standards. The Recreation and Parks Department also uses Asplundh's services to supplement their own crews. In addition, Asplundh can assist with storm restoration as in the hurricanes of 2004.

This contract is subject to the Living Wage Ordinance and Asplundh's wage rates have been adjusted to reflect the new rates published by the U.S. Department of Health and Human Services in 2005. The fiscal impact of the Living Wage Ordinance on this Contract will be reported in the semi-annual report provided to the City Commission. Staff estimates that the fiscal impact of the Living wage for this contract is an additional \$18,318. The pricing of these services remains competitive and Asplundh continues to perform well.

*Fiscal Note: Funding for this request is included in the Operations and Maintenance and Capital Budgets for FY 2006 and will be requested in FY 2007.*

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager or his designee to execute an amendment to extend the contract with Asplundh Tree Expert Company for the period April 1, 2006, to March 31, 2007; and 2) approve the issuance of purchase orders to Asplundh Tree Expert Company for these services in an amount not to exceed \$1,400,000 for GRU and in an amount not to exceed \$124,000 for General Government subject to the final appropriation of funds.*

**051084**

**Purchase of Excavator (B)**

**Staff recommends the purchase of a small excavator and trailer for the Gas Department.**

*Explanation: The Gas Transmission and Distribution Division uses this equipment to install natural gas pipe and make repairs in its daily operations. Small excavators have proven to be better suited for jobs performed by gas construction crews as they are more maneuverable in the excavation process and cost less to maintain than a trencher, allowing a reduction in repair costs.*

*An Invitation to Bid was sent by Purchasing to six (6) potential bidders, with four responding. The bids were evaluated based on price, equipment features, delivery time, warranty, parts availability and the bidders' past performance. GreenSouth submitted the best evaluated bid based on the award criteria. A copy of the bid tabulation is attached for your information.*

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

**RECOMMENDATION**

*The City Commission approve the issuance of a purchase order to GreenSouth Equipment, Inc. for the purchase of a small excavator in the amount of \$27,692.22.*

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**051085**

**Meter Reading System Upgrade (NB)**

*Explanation: Staff recommends the purchase of equipment from Itron, Inc. to upgrade existing meter reading equipment.*

*Fiscal Note: Funds are available in the FY 2006 Meter Operations budget.*

**RECOMMENDATION**

*The City Commission authorize the issuance of a purchase order to Itron, Inc., as a specified source, for*

*the purchase of handheld meter reading equipment and associated docking stations in an amount not to exceed \$118,000.*

**051086****Extension of Surveying/Mapping Services Agreements (NB)**

**Authorize negotiation and execution of Amendments extending the two Professional Services Agreements for surveying and mapping services for a one year period.**

*Explanation: On September 24, 2001, the City Commission approved the ranking of George F. Young, Inc. and Eng, Denman and Associates, Inc. as the top ranked firms under a Request for Statement of Qualifications and authorized the General Manager to negotiate and execute agreements for surveying and mapping services for a three and one-half year period. The City Commission authorized the first of two one-year extensions available under the Agreements on April 25, 2005. The recommended extension is the second of the two available under the Agreements.*

*Surveying work is assigned to the firms based on their expertise, past experience on a particular job and the ability of the firm to meet project deadlines. In addition to work assigned under these Agreements, GRU will continue to use small firms and/or the surveyors of record for projects with costs below the Consultants' Competitive Negotiation Act (CCNA) threshold when it is in its best interest.*

*Fiscal Note: Funding for this request is included in the Operations and Maintenance and Capital Budgets for FY 2006 and will be requested in FY 2007.*

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager or his designee to negotiate and execute Amendments to the Professional Services Agreements with Eng, Denman & Associates, Inc. and George F. Young, Inc. extending the term of the surveying and mapping services agreements through March 31, 2007, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to the firms in total amounts not to exceed budgeted amounts for these services, subject to the final appropriation of funds for FY 2007.*

**051087****Temporary Process Waste Treatment for High Springs Water Bottling Facility (B)**

*Explanation: Staff is requesting authorization to enter into an agreement with Coca-Cola North America (CCNA) to provide temporary hauling and treatment of process*

wastewater for its High Springs Water Bottling Facility.

*Fiscal Note: Based on the projected amount of process waste being treated over a 6 month period, the gross revenue associated with this agreement could be approximately \$275,000, plus a 25% surcharge for services.*

**RECOMMENDATION**

*The City Commission authorize the General Manager or his designee to enter into an agreement with CCNA substantially in the form of the agreement attached hereto for providing contract treatment of process waste from CCNA's water treatment plant located near High Springs, Florida.*

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## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

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

### **051076**

#### **City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of March 6, 2006, @ 5:00 PM; March 6, 2006, at 6:00 PM (Special Meetings); and March 13, 2006 (Regular Meeting); as circulated.*

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### **051079**

#### **Resignation of Advisory Board/Committee Member Mary E. Litrico from the Board of Adjustment (B)**

**RECOMMENDATION**

*The City Commission accept the resignation of Mary E. Litrico from the Board of Adjustment effective immediately.*

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### **051094**

#### **Advisory Board/Committee Appointments of Debbie L. Ashbury, Sarah E. Graddy, Carolyn P. Jones and Katina Mustipher to the Gainesville/Alachua County Cultural Affairs Board (NB)**

**RECOMMENDATION**

*The City Commission appoint of Debbie L. Ashbury for a term to expire September 30, 2008, appoint of Sarah E. Graddy for a term to expire September 30, 2008, appoint of Carolyn P. Jones for a term to expire September 30, 2007, and appoint of Katina Mustipher for a term to expire September 30, 2007 on the*



*Gainesville/Alachua County Cultural Affairs Board.*

*Commissioner Braddy:*

*Commissioner Bryant: Ashbury, Graddy, Jones and Mustipher*

*Commissioner Chestnut: Ashbury, Graddy, Jennings and Jones*

*Commissioner Donovan: Graddy, Jennings, Mustipher and readvertise*

*Commissioner Lowe: Ashbury, Graddy, Jones and Mustipher*

*Commissioner Nielsen: Ashbury, Graddy, Jones and Mustipher*

*Mayor Hanrahan:*

**051095**

**Advisory Board/Committee Appointment of Student Adjunct Member Sean N. Cubillos to the Bicycle/Pedestrian Advisory Board (NB)**

**RECOMMENDATION**

*The City Commission appoint Student Adjunct Member Sean N. Cubillos to the Bicycle/Pedestrian Advisory Board for term to expire August 1, 2006.*

*Commissioner Braddy:*

*Commissioner Bryant: Bicycle/Pedestrian Advisory Board*

*Commissioner Chestnut: Bicycle/Pedestrian Advisory Board*

*Commissioner Donovan: Bicycle/Pedestrian Advisory Board*

*Commissioner Lowe: Bicycle/Pedestrian Advisory Board*

*Commissioner Nielsen: Bicycle/Pedestrian Advisory Board*

*Mayor Hanrahan:*

**051096**

**Advisory Board/Committee Appointment of Randolph Wells to the Bicycle/Pedestrian Advisory Board (NB)**

**RECOMMENDATION**

*The City Commission appoint Randolph Wells to the Bicycle/Pedestrian Advisory Board for a term to expire December 31, 2008.*

*Commissioner Braddy:*

*Commissioner Bryant: Randolph Wells*

*Commissioner Chestnut: John W. Holloway*

*Commissioner Donovan: Randolph Wells*

*Commissioner Lowe: Randolph Wells  
Commissioner Nielsen: Randolph Wells  
Mayor Hanrahan:*

**051098****Advisory Board/Committee Reappointment of John A. Murdoch to the Fire Safety Board of Adjustment (NB)****RECOMMENDATION**

*The City Commission reappoint John A. Murdoch to the Fire Safety Board of Adjustment for a term to expire November 1, 2008.*

*Commissioner Braddy:  
Commissioner Bryant: Murdoch  
Commissioner Chestnut: Murdoch  
Commissioner Donovan: Murdoch  
Commissioner Lowe: Murdoch  
Commissioner Nielsen: Murdoch  
Mayor Hanrahan:*

**051100****Advisory Board/Committee Appointments of Del B. Bottcher and Joseph J. Delfino to the Water Management Committee (NB)****RECOMMENDATION**

*The City Commission appoint of Del B. Bottcher for term to expire August 2008, and appoint of Joseph J. Delfino for a vacancy to expire August 2006 on the Water Management Committee.*

*Commissioner Braddy:  
Commissioner Bryant: Bottcher and Delfino  
Commissioner Chestnut: Bottcher and Delfino  
Commissioner Donovan: Bottcher and Delfino  
Commissioner Lowe: Bottcher and Delfino  
Commissioner Nielsen: Bottcher and Delfino  
Mayor Hanrahan:*

**051101****Advisory Board/Committee Reappointment of Charles W. Pedersen to the Nature Centers Commission (NB)****RECOMMENDATION**

*The City Commission reappoint Charles W. Pedersen to the Nature Centers Commission for a term to expire November 1, 2008.*

*Commissioner Braddy:*

*Commissioner Bryant: Pedersen  
Commissioner Chestnut: Pedersen  
Commissioner Donovan: Pedersen  
Commissioner Lowe: Pedersen  
Commissioner Nielsen: Pedersen  
Mayor Hanrahan:*

**051102****Advisory Board/Committee Appointment of Lew A. Welge to the Public Recreation and Parks Board (NB)****RECOMMENDATION**

*The City Commission appoint Lew A. Welge to the Public Recreation and Parks Board for a term to expire November 1, 2007.*

*Commissioner Braddy:  
Commissioner Bryant: Welge  
Commissioner Chestnut: Welge  
Commissioner Donovan: Welge  
Commissioner Lowe: Welge  
Commissioner Nielsen: Welge  
Mayor Hanrahan:*

**051097****Advisory Board/Committee Appointment of Helen C. McCune and two additional members to the Citizens Advisory Committee for Community Development (NB)****RECOMMENDATION**

*The City Commission reappoint Kimberly L. Brown and Helen C. McCune for terms to expire November 1, 2008, and appoint Sheena Y. Jennings to a vacancy to expire November 1, 2006 on the Citizens' Advisory Committee for Community Development.*

*Commissioner Braddy:  
Commissioner Bryant: Bisbee, Jennings and McCune  
Commissioner Chestnut: Brown, McCune and Wells  
Commissioner Donovan: Brown, Jennings and McCune  
Commissioner Lowe: Brown, Jennings and McCune  
Commissioner Nielsen: Brown, Jennings and McCune  
Mayor Hanrahan:*

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

**AUDIT AND FINANCE COMMITTEE, CONSENT****051070**

**The Basic Financial Statements, Supplemental Information and Independent Auditors' Report of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2005; Financial Statements and Independent Auditors' Report on the Employees' Pension Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2005; Financial Statements and Independent Auditors' Report on the Consolidated Police Officers and Firefighters Retirement Plan of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2005; the Independent Auditors' Management Letter and Single Audit Reports for the Fiscal Year Ended September 30, 2005; and management's written response. (B)**

*NOTE: Documents are available for viewing in the Clerk's Office.*

*Explanation: The City's independent auditors, Davis, Monk and Company and Ernst and Young, Certified Public Accountants, issued the following reports:*

- 1. The Basic Financial Statements, Supplemental Information and Independent Auditors' Report of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2005;*
- 2. The Financial Statements and Independent Auditors' Report on the Employees' Pension Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2005;*
- 3. The Financial Statements and Independent Auditors' Report on the Consolidated Police Officers and Firefighters Retirement Plan of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2005; and*
- 4. The Independent Auditors' Management Letter and Single Audit Reports for the Fiscal Year Ended September 30, 2005.*

*In the opinion of the independent auditors, the basic financial statements referred to in item 1 above represent fairly, in all material respects, conformity with generally accepted accounting principles.*

*In the independent auditors' opinion, the financial statements referred to in items 2 and 3 above present fairly, in all material respects, the net assets available for benefits as of September 30, 2005, and the changes in net assets available for benefits for the year then ended in conformity with generally accepted accounting principles.*

*Item 4 relates to the basic financial statements from item 1. As part of the audit process the independent auditors issue "management letter comments" along with several other reports related to internal control structure; compliance with certain provisions of laws, regulations, contracts and grants, and internal control structure and certain requirements applicable to federal and state financial assistance programs.*

*The auditors' report related to General Government includes one reportable condition related to internal control over the City's procurement card program. Management's written response to this comment, as well as an update on the current status of two prior audit findings is included for your review and acceptance. Management's response indicates they agree with the auditors' recommendation and have developed a plan of corrective action on that finding to be implemented by the applicable City departments and overseen by the City Manager.*

*The auditors' Management Letter on Internal Control related to Gainesville Regional Utilities indicates that there were no recommendations in the current year. The auditors also provide a status report indicating three prior year recommendations have been addressed or are no longer relevant.*

*In accordance with Section 6(b) of Resolution 970187, City Auditor Responsibilities and Administrative Procedures, the City Auditor has reviewed the attached statements and reports to ensure that contractual terms have been fulfilled and transmits these reports with a recommendation for City Commission acceptance.*

**RECOMMENDATION**      *The City Commission accept the subject financial statements and audit reports; receive the Independent Auditors' Management Letter and Single Audit Reports; and accept management's written response.*

**Legislative History**

3/20/06      Audit and Finance      Recommended for Approval (2 - 0)  
Committee

**051071**

**Review of the General Government Purchasing Process (B)**

*Explanation: In accordance with our Fiscal Year 2006 Annual Audit Plan, we have completed a review of the General Government Purchasing Process. Our report and the City Manager's response are attached for your review.*

*We request that the Committee recommend the City Commission accept our report and the City Manager's response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit and Finance Committee.*

**RECOMMENDATION**      *The City Commission: 1) Accept the City Auditor's report and the City Manager's response; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit and Finance Committee.*

**Legislative History**

3/20/06      Audit and Finance      Recommended for Approval  
                                          Committee  
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## PUBLIC WORKS COMMITTEE, CONSENT

### 041216

#### North East 2nd Street in Relation to File #041166 (B)

**This item involves a Public Works Committee referral regarding improvement needs to North East 2nd Street from North East 10th Avenue to North East 16th Avenue.**

*Explanation: On January 26, 2006, this item was discussed at the Public Works Committee meeting (no quorum and no action). The Commissioner present requested this item be forwarded to the City Commission.*

*The Public Works Committee heard from the residents in the area about improvement needs for North East 2nd Street from North East 10th Avenue to North East 16th Avenue at several of their meetings. Staff provided the Committee with a detailed review of optional typical sections that could be considered to include the addition of on-street bike lanes, curb and gutter, sidewalks, and an improved stormwater sewer system. Several of the options require additional land rights. Staff provided estimated costs for the project at approximately \$2.7 million and recommended that a capital improvement request be submitted for consideration during the development of the 2006-2010 Capital Improvement Program.*

*Fiscal Note: None*

#### RECOMMENDATION

*Recommended Motion: The City Commission: 1) direct the City Manager to include North East 2nd Street in the list of projects being considered in the Capital Improvement Plan for 2006-2010; and 2) remove this item from the Public Works Committee Active Referral List.*

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

#### Legislative History

|         |                        |                                          |                        |
|---------|------------------------|------------------------------------------|------------------------|
| 4/11/05 | City Commission        | Referred (7 - 0)                         | Public Works Committee |
| 6/22/05 | Public Works Committee | Approved, as shown above - See Motion(s) |                        |
| 8/3/05  | Public Works Committee | Approved as Recommended                  |                        |
| 9/22/05 | Public Works Committee | Discussed                                |                        |
| 1/26/06 | Public Works Committee | Discussed                                |                        |

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**051042****Realignment of NE 12th Avenue in Relation to File #050591 (B)**

**This item involves a Public Works Committee referral regarding Wal-Mart's proposal to realign a portion of NE 12th Avenue from the east right-of-way line of Waldo Road (State Road 24) to the west line of the Cedar Grove Subdivision.**

*Explanation: On January 26, 2006, this item was discussed at the Public Works Committee meeting; however, no action was taken due to lack of quorum. The Commissioner present requested this item be forwarded to the City Commission.*

*On January 26, 2006, the Public Works Committee received an update from staff, regarding Legislative #050591, Request to Refer the Realignment of NE 12th Avenue to the Public Works Committee. At that time, staff provided a report of findings based on staff's review of the Wal-Mart proposal, which is that the City consider a relocation of NE 12th Avenue at the entrance to the Cedar Grove neighborhood. The property owned by Wal-Mart has an existing zoning and land-use so as to not require the submittal of plans to the City Commission; however, the proposal for the relocation of NE 12th Avenue requires a separate process. Staff recommended that Wal-Mart file a Street Vacation petition that will include a future effective date for the vacation and a reversionary clause so that if the development is not complete within a specified timeframe, the right-of-way will revert to the City. Additionally, to be supported under the terms of the Code and the law, the Street Vacation will need to provide stipulations for the new roadway to be submitted before the vacation of the existing roadway can be completed, retaining a temporary ingress/egress easement allowing residents access to their neighborhoods and a temporary utility easement over the existing NE 12th Avenue until the new NE 12th Avenue is completed. Street Vacation is a quasi-judicial process.*

*Fiscal Note: None*

**RECOMMENDATION**

*Recommended Motion: The City Commission remove this item from the Public Works Committee active referral list.*

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

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**PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****PUBLIC SAFETY COMMITTEE, CONSENT****050932****Legal Office Expenses from State Law Enforcement Contraband Forfeiture Trust Fund (NB)**

**This item requests the City Commission approve the appropriation of \$10,000 from the State Law Enforcement Contraband Forfeiture Trust Fund for additional Legal Office expenses.**

*Explanation: The requested funding is needed to cover the Gainesville Police Department Legal Office expenses related to case filing fees, research, publication requirements and storage fees on the seized property for FY 2005-2006. The City Commission approved an appropriation on September 12, 2005. However, an increase in forfeiture cases and other legal expenses has generated the need for additional funds.*

*Fiscal Note: The \$10,000 expenses are necessary in the processing of forfeiture cases. If this request is not paid from the Law Enforcement Contraband Forfeiture Trust Fund, it would need to come from the general fund. Funds are currently available in the State Law Enforcement Contraband Forfeiture Trust Fund account and is allowable under F.S. 932.7055(4)(a). The balance in the account is \$14,211.89.*

**RECOMMENDATION**

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

*Alternative Recommendation A: The City Commission appropriate funds from the General Fund for these expenses. The fiscal impact is \$10,000.*

*Alternative Recommendation B: None.*

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

**Legislative History**

|         |                            |                          |
|---------|----------------------------|--------------------------|
| 3/16/06 | Public Safety<br>Committee | Recommended for Approval |
|---------|----------------------------|--------------------------|

## **REGIONAL UTILITIES COMMITTEE, CONSENT**

**050283**

**GRUCom Services in Newberry (NB)**

*Explanation: On February 13, 2006 the City Commission of Newberry voted to accept the offer from Cox Communications to buy their cable television system eliminating the need for further action by city staff and the Regional Utilities Committee.*

**RECOMMENDATION**

*The Regional Utilities Committee recommend that the City Commission remove this item from the referral list.*

**Legislative History**



|         |                                 |                                          |                                 |
|---------|---------------------------------|------------------------------------------|---------------------------------|
| 8/8/05  | City Commission                 | Referred (7 - 0)                         | Regional Utilities<br>Committee |
| 9/8/05  | Regional Utilities<br>Committee | Discussed                                |                                 |
| 2/9/06  | Regional Utilities<br>Committee | Approved, as shown above - See Motion(s) |                                 |
| 3/16/06 | Regional Utilities<br>Committee | Approved as Recommended                  |                                 |

## COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

### 031225

#### Special Area Plan for Ironwood Area (NB)

**The City Commission referred to the Community Development Committee whether a Special Area Plan should be created for the Ironwood area. The Committee has discussed the referral, and staff developed a Neighborhood Action Plan for the Ironwood area.**

*Explanation: On March April 26, 2004, the City Commission referred the issue of whether a Special Area Plan should be created for the Ironwood area. The Committee met on May 3, 2004, June 24, 2004, August 9, 2004, October 7, 2004, February 17, 2005, and September 15, 2005, and recommended that staff develop a Neighborhood Action Plan funded with neighborhood improvement grants. On August 9, 2004, the City Commission approved bringing this neighborhood into the Neighborhood Planning Program. Staff met with Ironwood residents to develop a vision for the area, which involved Ironwood Village's entrance, sidewalks, drainage, safety, and landscaping along Northeast 15th Street and Northeast 39th Avenue. On March 2, 2006, the Community Development Committee received an update from staff on the Neighborhood Action Plan and recommended that this item be removed from the Community Development Committee referral list.*

*Fiscal Note: \$15,000 had been allocated to the Neighborhood Planning program to cover expenses.*

#### RECOMMENDATION

*Community Development Committee to the City Commission: Remove this item from the Community Development Committee referral list.*

#### Legislative History

|         |                                       |                                                  |                                    |
|---------|---------------------------------------|--------------------------------------------------|------------------------------------|
| 4/26/04 | City Commission                       | Referred (6 - 0 - 1 Absent)                      | Community Development<br>Committee |
| 5/3/04  | Community<br>Development<br>Committee | Approved as Recommended                          |                                    |
| 6/24/04 | Community<br>Development<br>Committee | Approved as Recommended                          |                                    |
| 8/9/04  | City Commission                       | Approved, as shown above - See Motion(s) (7 - 0) |                                    |

|         |                                 |                         |
|---------|---------------------------------|-------------------------|
| 10/7/04 | Community Development Committee | Approved as Amended     |
| 2/17/05 | Community Development Committee | Approved as Recommended |
| 9/15/05 | Community Development Committee | Approved as Recommended |
| 3/2/06  | Community Development Committee | Approved as Recommended |

## DISABILITY REVIEW COMMITTEE, CONSENT

### 051036

#### Application for Disability Retirement for Joseph G. Campbell (B)

**Retirement application for Joseph G. Campbell, Electric Line Worker with Gainesville Regional Utilities for 18.531 years who has been under the care of physicians for an on the job injury.**

*Explanation: A meeting of the Disability Review Committee was conducted on Friday, February 24, 2006 to review the application for disability retirement of Joseph Campbell. In reviewing the application and supporting information from his physician, it is the recommendation of the Disability Review Committee that the City Commission approve the application.*

*Joseph Campbell, Electric Line Worker with 18.531 years with Gainesville Regional Utilities, has been under the care of physicians for an on the job injury. Information provided to the Committee from his physicians and from the City of Gainesville's third party administrator Health Direct Inc., states Mr. Campbell is totally disabled and wholly and continuously unable to perform any and every duty of his employment or of a position to which he may be assigned.*

*Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for this employee have been determined as follow: current monthly salary - \$6,013.29; final average monthly earnings - \$5,222.45; final monthly benefit (without Social Security offset, if any determined at a later date, but including a Worker's Compensation offset) - \$683.19. These benefits would be retroactive to December 15, 2005, and will be paid from the Disability Pension Fund.*

#### RECOMMENDATION

*The City Commission approve the submitted application for disability retirement for Joseph Campbell, Electric Line Worker, GRU.*

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## COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****051039****Solid Waste Management System (B)**

**This item involves a request for the Commission to hear a presentation on the status of the Solid Waste Management System as it relates to the current solid waste disposal and future solid waste disposal options available to the City. This discussion will provide the City Commission with background information in preparation for the Joint City/County Commission meeting regarding Solid Waste scheduled for March 30, 2006.**

*Explanation: The City of Gainesville entered into an Interlocal Agreement with Alachua County for Solid Waste Disposal on May 12, 1998. This agreement obligates the City to require its contracted residential solid waste hauler to deliver all acceptable waste, collected from within the City to the County's designated facilities. The agreement ends September 30, 2007. In 2004, the City amended its agreement with the County to pay \$44.00 per ton with an annual CPI adjustment for the remaining term of the Interlocal Agreement. The current tipping rate is \$45.50 and is anticipated to reach \$50.00 per ton by 2009.*

*The City's solid waste rates were adjusted in 2003 in anticipation of the new collection contract with Waste Management, Inc (WMI). This adjustment was the first since 1997, at which time the rates were actually reduced. Although the residential solid waste program operated in a deficit, the City utilized fund balance to offset the deficit. The current rate was developed to allow rates to remain constant for the term of the current collection contract, which ends September 30, 2009. It is important to note that due to higher than anticipated costs associated with the repairs of the Old Landfill at Sweetwater and the Airport Landfill and the impacts of the hurricanes in 2004, a rate adjustment may have to occur during the upcoming two-year budget cycle.*

*For the long-term viability of the County's solid waste disposal program, it is imperative that they control the entire waste stream in Alachua County on a long-term basis. One of the County's requests has been for the City to enter into a long-term partnership arrangement through 2018, which coincides with their agreement with New River Solid Waste Association (New River).*

*Alachua County entered into an agreement with New River on November 6, 1997, and has subsequently modified the agreement four times. The agreement provides a tiered disposal rate based on tonnages of waste delivered and is adjusted by CPI each year. The higher the total tonnage delivered at New River, the lower the rate of charge per ton. Based on the current rate schedule with*

*Alachua County, the City does not realize any cost savings in the event the County is able to realize a lower rate at New River. It is important to note that the County did not involve the City during their negotiations with New River on any of the four amendments that are a major factor in the high cost of the County's tipping fees.*

*City staff has explored disposal options as alternatives to a long-term partnership with the County. It is our understanding that the private sector has options for disposal that could be a cost savings alternative for the City. The best way to determine the validity of this claim is to: 1) either bid the disposal of City waste in 2007; or 2) as an alternative, bid both the collection and disposal of solid waste, recycling and yard trash in 2009 when the current WMI collection contract expires. It will be important that a bid is structured to ensure all aspects of the current arrangement with the use of Alachua County's transfer facility are provided in a new contract (i.e., neighborhood cleanups, hazardous material disposals, dead animals, white goods, etc.).*

*City and County staff have worked together to develop a draft business plan that provides a framework for a mutually beneficial solid waste management partnership in the event the City and County Commissions choose to direct staff to continue in this direction. This business plan will be the basis for discussion at the Joint City/County Commission meeting scheduled for March 30th.*

*Fiscal Note: All costs associated with the Solid Waste Management System will be provided through the Solid Waste Enterprise Fund.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) hear a presentation; and 2) direct staff to continue discussions with Alachua County regarding the development of a mutually beneficial solid waste partnership.*

*Alternative Recommendation A: The City Commission direct the City Manager to negotiate a partnership with Alachua County for the collection and disposal and handling of solid waste, recycling and yard trash. The fiscal impacts of this alternative will be defined once the negotiations are completed. All costs will be covered by the Solid Waste Enterprise Fund.*

*Alternative Recommendation B: The City Commission: 1) direct the City Manager to continue to direct the disposal and handling of residential solid waste and recycling to the Leveda Brown Environmental Facility until September 30, 2009; and 2) direct the City Manager to prepare bid specifications for both the collection and disposal of residential solid waste and handling of recycling and yard trash for bid in FY 2009 with an implementation date of October 1, 2009. The fiscal impact of this alternative is that all costs would be covered by the Solid Waste Enterprise Fund.*

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**051052****Legislative Update (B)**

**The City Commission will receive an update from staff on legislative affairs.**

**RECOMMENDATION**

*The City Commission receive a report from staff and take action if appropriate.*

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**GENERAL MANAGER FOR UTILITIES****CITY ATTORNEY****051093****Purchase of Kennedy Homes Property for the South East Gainesville Renaissance Initiative (SEGRI) (NB)**

**This item involves the acquisition of the Kennedy Homes property from Kennedy Homes Limited Partnership as part of the Southeast Gainesville Renaissance Initiative.**

*Explanation: At the direction of the City Commission to redevelop properties in southeast Gainesville, the City Attorney and City Manager have negotiated a contract to acquire Kennedy Homes from Kennedy Homes Limited Partnership, a Florida limited partnership, for the purchase price of \$1,950,000. Under the terms of the agreement, the City will perform environmental studies and investigation of the property. There are also lawsuits in federal and state court pending against the Seller of the Property by former tenants, and the Seller will continue to defend its interests and remain liable for any judgments that could be rendered. Similarly, there are complaints filed with H.U.D. against the Seller and the City, and each party will be liable for its own actions.*

*This acquisition has a strong public purpose in that it was constructed as housing for very low income families (see below) that is no longer encouraged or funded by H.U.D. This property now has the potential to turn the corner in a different direction -- to be a cornerstone development in Southeast Gainesville's renaissance.*

*Once acquired, the City must seek from H.U.D. the release of the use restrictions that require the property to be operated as housing for very low and low income families. Initial indications are favorable that H.U.D. would release these restrictions that expire in 2009. Staff would propose that the existing structures be razed to make room for development of mixed-income housing. Staff would issue a Request for Proposals (RFP) to redevelop the property as a mixed-income residential homeownership development. Staff proposes to include development parameters such as income mix, urban design features and other standards, with the intent that developers will present proposals in response and the City will select the top-ranked developer or development team based on predetermined criteria.*

City staff is working simultaneously on other improvements in the area, such as neighborhood planning in three southeast neighborhoods, and neighborhood- and corridor-based code enforcement. CRA staff is working on the demolition of the Tackle Box property, planning for an open space feature at that location, and installation of plantings on East University Avenue medians. City staff also has drafted an RFP for expansion of the Eastside CRA district into the southeast area. This effort is intended to be a partnership of multiple programs working together toward a renaissance of the Southeast area.

*Fiscal Note:* On February 21, 2006, the City Commission allocated a portion of the Capital Improvement Revenue Bonds (CIRB) Series 2005 towards acquisition of properties for the Southeast Gainesville Renaissance Initiative. At this point in time it is the City's intention to market this property to a private entity to pursue the development discussed above. IRS private activity rules related to the use of tax exempt debt restrict the amount of tax exempt proceeds that can be used on what ultimately will be a private development to 5% of the issue's net proceeds. This caps the CIRB Series 2005 funds that can be utilized to acquire this property at \$1,120,083. Funding in the amount of \$361,471 is also budgeted for this acquisition in the Housing Division's HOME Program acquisition account for FY 2006. The balance of the acquisition price, and related transactions and due diligence expenses will come from a loan between the General Fund and the Capital Projects Fund.

**RECOMMENDATION**

*The City Commission: 1) approve the acquisition of Kennedy Homes; and 2) authorize the City Manager to execute a contract and all related closing documents to purchase Kennedy Homes, subject to approval as to form and legality by the City Attorney.*

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**COMMUNITY DEVELOPMENT COMMITTEE**

**050040**

**Oak View Neighborhood Association Parking Regulations (B)**

**The City Commission referred to the Community Development Committee the issue of the Oak View Neighborhood Association parking regulations. The Committee has discussed the referral, and staff has proposed draft opt**

**in procedures.**

*Explanation:* On March 23, 2005, the City Commission referred the issue of the Oak View Neighborhood Association parking regulations to the Community Development Committee. The Oak View Neighborhood Association had requested the same yard parking regulations as are now in place in the University Context Area. The Committee met on July 14, 2005, October 6, 2005, and February 2, 2006 and discussed the issues.

Staff discussed the University of Florida's proposed boundary change for the University Context Area. The proposed new boundary would include the Oak View neighborhood. Staff also proposed a process by which neighborhoods outside the University Context Area could voluntarily choose to petition to have yard parking regulations apply to their neighborhoods.

*Fiscal Note:* If enacted, the proposal would generate a significant amount of additional work in the Code Enforcement and Planning Divisions. Depending on how many areas are approved by the City Commission, staff estimates that at least one additional code enforcement officer may be needed in time to manage the additional enforcement needs. Other tasks associated with the proposal include verifying names on petitions, processing applications, and mapping overlay zones.

**RECOMMENDATION**

*Community Development Committee to the City Commission:* 1) the City Commission approve an update to the parking regulations to correspond to the new Context Area expansion; 2) the City Commission approve the proposed draft opt in procedures; and 3) remove the item from the Community Development Committee referral list.

*City Manager to the City Commission:* 1) when the University of Florida Master Plan takes effect, initiate a petition to amend the Land Development Code to reflect the new Context Area boundaries, so that yard parking restrictions are effective within the updated boundary area; 2) initiate a petition to the City Plan Board to provide procedures in the Land Development Code allowing neighborhoods to opt in to the City's yard parking regulations; 3) remove this item from the Committee referral list.

**Legislative History**

|         |                                 |                             |                                 |
|---------|---------------------------------|-----------------------------|---------------------------------|
| 5/23/05 | City Commission                 | Referred (6 - 0 - 1 Absent) | Community Development Committee |
| 7/14/05 | Community Development Committee | Approved as Recommended     |                                 |
| 9/15/05 | Community Development Committee | Continued                   |                                 |
| 10/6/05 | Community Development Committee | Approved as Recommended     |                                 |



2/2/06      Community      Approved as Recommended  
                  Development  
                  Committee  
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## PUBLIC SAFETY COMMITTEE

### 050822

#### **Fundraiser for Drunk Driving Intervention Program (B)**

**This item was brought up during Citizen Comment by Mr. Jaret Geiger.**

*Explanation: The City Commission referred the issue of the Drunk Driving Intervention Program to the City Manager. The Gainesville Police Department prepared a response after contacting Mr. Geiger. Mr. Geiger is with BUZZ radio station and expressed the radio station's intention to hold a fundraiser in the Fall to raise money to provide free cab rides to individuals who have had too much to drink. The Public Safety Committee discussed the police department's response memo during a meeting on February 16, 2006. The original request from Mr. Geiger and GPD's response are included in the back-up. Commissioner Donovan (the only Commissioner present) felt Gainesville Police Department's response was complete and appropriate.*

#### RECOMMENDATION

*The City Commission receive the Public Safety Committee's report and take any action deemed appropriate.*

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

#### Legislative History

|         |                            |                             |              |
|---------|----------------------------|-----------------------------|--------------|
| 1/9/06  | City Commission            | Referred (6 - 0 - 1 Absent) | City Manager |
| 2/16/06 | Public Safety<br>Committee | Discussed                   |              |

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## CITY PLAN BOARD

## REGIONAL UTILITIES COMMITTEE

## ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

### 051077

**Advisory Board/Committee Appointment of one City of Gainesville member to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan (B)**

**RECOMMENDATION**

*The City Commission appoint one City of Gainesville member to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan for terms to expire March 27, 2008.*

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**051090****Advisory Board/Committee Appointment of one member to the Board of Adjustment (B)****RECOMMENDATION**

*The City Commission appoint one member to the Board of Adjustment for a term to expire November 1, 2008.*

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**051099****Advisory Board/Committee Appointments of Nancy D. Montgomery, Michelle M. Reeves and one additional member to the Gainesville Code Enforcement Board (B)****RECOMMENDATION**

*The City Commission appoint Nancy D. Montgomery, Michelle M. Reeves and one additional member to the Gainesville Code Enforcement Board.*

*Commissioner Braddy:*

*Commissioner Bryant: Lane, Reeves and Silas*

*Commissioner Chestnut: Lane, Montgomery and Reeves*

*Commissioner Donovan: Lane, Montgomery and Reeves*

*Commissioner Lowe: Montgomery, Reeves and Silas*

*Commissioner Nielsen: Montgomery, Reeves and Silas*

*Mayor Hanrahan:*

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**OUTSIDE AGENCIES****051091****Mental Health and Substance Abuse Services for the Homeless (B)****RECOMMENDATION**

*The City Commission authorize the mayor to write a letter of support for a federal grant to provide substance abuse and mental health services to the homeless.*

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**MEMBERS OF THE CITY COMMISSION**

**051054****Commissioner Jack Donovan - Gainesville Regional Utility (GRU) General Manager's Employment Contract (B)****RECOMMENDATION**

*The City Commission discuss the contract negotiations between the City Commission and the General Manager for Utilities.*

**Legislative History**

3/13/06 City Commission Postponed

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**051103****Commissioner Chuck Chestnut - Resolution (B)****A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; SUPPORTING REAUTHORIZATION OF CERTAIN KEY PROVISIONS OF THE VOTING RIGHTS ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE (B)****RECOMMENDATION**

*The City Commission discuss the voting rights act resolution and place on the evening agenda for approval.*

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**051104****Commissioner Chuck Chestnut - Resolution (B)****A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; SUPPORTING COMMUNITY BASED INTERVENTION AND TREATMENT PROGRAMS FOR EX-OFFENDERS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. (B)****RECOMMENDATION**

*The City Commission discuss the ex-offenders resolution and place on the evening agenda for approval.*

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**COMMISSION COMMENTS (if time available)**

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

**COMMISSION COMMENTS (if time available)**

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

**Girl Scout Troop #923 & #1201**

*Beth Mills and Karen LeePack, Troop Leaders*

**PROCLAMATIONS/SPECIAL RECOGNITIONS****051081****Jazz Appreciation Month - April 2006 (B)**

RECOMMENDATION *Gainesville Friends of Jazz and Blues President Scott Koons to accept the proclamation.*

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**051089****S. Clark Butler Day - March 31, 2006 (B)**

RECOMMENDATION *Greater Gainesville Citizen and Entrepreneur S. Clark Butler to accept the proclamation.*

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**051088****Keep Alachua County Beautiful Gold Award for Outstanding Public Art/Sculpture to University Avenue Banners 2006 (NB)**

RECOMMENDATION *The City Commission hear a special presentation from Mayor Pegeen Hanrahan.*

**PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****050769****SOUTHWEST 13th STREET SPECIAL AREA PLAN AMENDMENT (B)**

**Ordinance No. 0-06-35; Petition 175TCH-05 PB**  
**An ordinance of the City of Gainesville, Florida, amending Appendix A, Section 7, Exhibit A, of the Land Development Code, Southwest 13th Street Special Area Plan, relating to height limits in the Urban Mixed Use-1 (UMU-1) and Urban Mixed Use-2 (UMU-2) zoning districts; 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 28, 2005, the City of Gainesville adopted two new zoning*

*districts—Urban Mixed Use-1 (UMU-1) and Urban Mixed Use-2 (UMU-2). These new districts are now both found within the Southwest 13th Street Special Area Plan, and have inconsistent regulations. The UMU-1 and UMU-2 zoning districts allow building heights that are taller than those allowed in the Southwest 13th Street SAP. This petition, therefore, recommends that the SAP height limits be increased to be consistent with the UMU height limits.*

*This petition proposes to amend the Southwest 13th Street SAP to make it consistent with the provisions found in UMU-1 and UMU-2 zoning districts. The Plan Board heard the petition and voted to recommend approval to the City Commission.*

*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 175TCH-05 PB. Plan Board vote 5-0.*

*CITY ATTORNEY MEMORANDUM*

*This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, April 10, 2006.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: (1) approve Petition 175TCH-05 PB, and (2) adopt the proposed ordinance.*

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**ORDINANCES, 2ND 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) |
| 3/13/06  | City Commission | Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)                                          |

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## 050764

### COLLEGE PARK SPECIAL AREA PLAN AMENDMENT (B)

#### **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 adopt the proposed ordinance.*

**Legislative History**

3/13/06 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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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)              |
| 3/13/06                 | City Commission | Adopted on First Reading (Ordinance) (5 - 0 - 2 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)

3/13/06        City Commission    Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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## **RESOLUTIONS- ROLL CALL REQUIRED**

### **051021                            Resolution Amending Resolution No. 020706 the Retiree Health Savings Plan (B)**

**This item involves adopting a resolution to amend the 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.*

*The currently proposed plan amendments included in the Plan Amendments to the Employer VantageCare Retirement Health Savings Plan Adoption Agreement include an increase in the maximum fixed dollar contribution to \$14,000 per year. The contribution is voluntary and irrevocable. The other proposed plan amendments are a result of recent IRS guidelines and effect the forfeiture provision of the plan. The original, and amended plan allowed for de minimis distributions for account balances less than \$5,000 for employees terminating employment prior to reaching benefit eligibility (retirement or age 55). Based on the recent guidelines, ICMA-RC has opined that this provision be*

taken out of all plans. The City of Gainesville will accomplish this by removing the de minimis distribution and make former employees eligible to receive distributions for qualified expenses upon termination of employment. This will allow for a tax-free distribution as opposed to the de minimis distribution, which was taxable. The final amendment relates to non-vested account balances. The City's plan makes all accounts 100% vested at all times so there is no impact on the current operations of the plan. The Plan Amendments to the Employer VantageCare Retirement Health Savings Plan Adoption Agreement and Resolution amending the plan are attached as backup.

*Fiscal Note: There is no fiscal impact.*

**RECOMMENDATION**

*The City Commission: 1) adopt the resolution.*

*Alternative Recommendation:*

*The City Commission could not adopt the resolution or plan amendments and the City's Plan could be deemed not in compliance with current IRS regulations. This would affect the tax preference of the Plan.*

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**051034**

**Rules of the City Commission (B)**

**RECOMMENDATION**

*The City Commission adopt the Rules of the Commission.*

**Legislative History**

3/13/06 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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**PLAN BOARD PETITIONS**

**050770**

**Vacate, Abandon and Close Public Right-of-Way (B)**

**Petition 176SVA-05 PB, (Quasi-Judicial). City of Gainesville. Pursuant to Section 30-192(b) of the Gainesville Land Development Code, to vacate, abandon and close public right-of-way located at Northwest 7th Place, west of Northwest 5th Street and east of abandoned railroad.**

*Explanation: The purpose of this request is to vacate a portion of right-of-way east of the Gainesville Police Department (GPD). The approximately .05-acre right-of-way to be vacated is an undeveloped portion of Northwest 7th Place, which lies between the westerly right-of-way line of Northwest 5th Street and the eastern right-of-way line of the abandoned CSX railroad. The property owner on the south side of the right-of-way at tax parcel 14414-010-001, also owns the property north of the subject right-of-way, at tax parcel 14409-000-000. Upon vacation of the right-of-way, the City would trade the vacated right-of-way to the property owner of the above-mentioned tax parcels for the north half of tax*

parcel 14409-000-000. The right-of-way is an unimproved "paper street." It provides no public access and would best be used for a land trade that would benefit the expansion activities of GPD. In recent months, the City has purchased land east of GPD headquarters for the use of some existing buildings and the construction of new facilities at some point in the future. The property that the City will receive in this land trade is the final piece in the acquisition activities.

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

Public notice was published in the Gainesville Sun on January 31, 2006. Letters were mailed to surrounding property owners on February 1, 2006. The Plan Board held a public hearing February 16, 2006.

*Fiscal Note: None*

**RECOMMENDATION**

City Plan Board to City Commission - The City Commission approve Petition 176SVA-05 PB. Plan Board vote 6-0

Staff to Plan Board - Approve

Alternative Recommendation A: Disapprove

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**050910**

**Text amendment to existing Planned Development (B)**

**Petition 10PDA-06 PB. Legislative Matter No. 050910 (Quasi-judicial) Eng, Denman & Associates, Inc. Text amendment to allow a single-family use and counseling services in an existing Planned Development. Zoned: PD (Planned development). Located at 5240 Northwest 8th Avenue.**

*Explanation: The purpose of this petition is to amend the uses allowed in an existing planned development (PD). This PD was approved in 1984 and allowed for the development of the Kingswood Court residential townhouse community, located on the western portion of the PD. The eastern portion of the PD was the site of a day care center. This proposed amendment does not affect the Kingswood Court portion of the PD.*

*The existing ordinance allows child care (day care) services as a use in the four existing principle structures on the eastern portion of the PD. The proposed amendment would change the allowable uses within the existing buildings. As noted in the PD Plan Report and the layout maps included, the four existing buildings are shown as "A," "B," "C," and "D." Building "A" would return to its original use as a single-family dwelling. Buildings "B," "C," and "D" would add counseling services as well as some community services as allowable uses. The services would include counseling for married couples and couples planning for marriage, counseling for students and teenagers dealing with social and academic issues, and community service opportunities for high school and college students to work with the programs. None of the clients to be*

served will be in the criminal justice system. Child care services will continue to be allowed under the PD in Buildings "B", "C" and "D."

Public notice was published in the Gainesville Sun on January 31, 2006. Letters were mailed to surrounding property owners on February 1, 2006. The Plan Board held a public hearing February 16, 2006.

*Fiscal Note: None*

**RECOMMENDATION**

City Plan Board to City Commission - The City Commission approve Petition 10PDA-06 PB. Plan Board vote 6-0

Staff to Plan Board - Approve

*Alternative Recommendation A: Approve with the condition that Building "A" could also be used for counseling services and child care services.*

*Alternative Recommendation B: Disapprove*

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**050912**

**Significant Ecological Communities Overlay District on I-2 Zoned Property (B)**

**Petition 15ZON-06 PB City of Gainesville. Amend the City of Gainesville Land Development Code by overlaying the Significant Ecological Communities District on property zoned I-2 (General industrial district) and PS (Public services and operations district) on approximately 582 acres. Located east of Waldo Road on the north and south sides of Northeast 39th Avenue and three parcels east of Waldo Road, south of Northeast 49th Avenue.**

*Explanation: On August 28, 2003, the City Plan Board made a final recommendation for a petition to the City Commission to establish a Significant Ecological Communities ordinance. The City Commission adopted this ordinance on second reading at their November 8, 2004 meeting. The ordinance establishes standards for protecting significant ecological communities within the city. The next step necessary to implement this ordinance is to rezone properties ranked "outstanding" or "high" (in terms of assessed environmental value) so that the Significant Ecological Communities regulations become an overlay to the land development regulations applying to these properties.*

*The subject properties have been ranked "high" by City Nature Operations staff. The petition includes approximately 544 acres of property. (A 37.6-acre parcel originally in the petition was withdrawn at the Plan Board hearing because it is part of the University of Florida Master Plan.) The properties near Northeast 39th Avenue are owned by the State of Florida and zoned PS (public services and operations). The properties adjacent to Northeast 49th Avenue are owned by the City of Gainesville and zoned I-2 (general industrial).*

*The Significant Ecological Communities Overlay Zoning District standards would operate in conjunction with underlying zoning district regulations for these properties. The regulations of the underlying zoning districts, and all other applicable regulations, would remain in effect. The properties would be further regulated by the Overlay District standards. If the provisions of the Overlay District standards conflict with the underlying zoning, the provisions of the Overlay District would prevail.*

*Public notice was published in the Gainesville Sun on January 31, 2006. Letters were mailed to property owners on February 1, 2006. The Plan Board held a public hearing February 16, 2006. The Plan Board heard the petition and recommended that it be approved.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 15ZON-06 PB. Plan Board vote 6-0*

*Staff to Plan Board - Approve*

*Alternative Recommendation A: Do not apply the Significant Ecological Communities Overlay District to the subject properties.*

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## **DEVELOPMENT REVIEW BOARD PETITIONS**

### **SCHEDULED EVENING AGENDA ITEMS**

#### **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**

*The City Commission may affirm, amend or reverse the decision of the Historic Preservation Board.*

**Legislative History**

3/13/06 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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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)**