

# **City of Gainesville**

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



## **Meeting Agenda**

**February 28, 2005**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

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

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

## CALL TO ORDER - 1:02 PM

## AGENDA STATEMENT

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

## ROLL CALL

## INVOCATION

*Reverend Carl Romey, First United Methodist Church, 419 NE 1st Street, Gainesville, FL 32606*

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 041015

#### **Contract Award for Provision of Streaming Video Website Welcome to Promote the City of Gainesville (NB)**

*Explanation: On November 24, 2005, the Florida League of Cities, Inc. announced an exclusive partnership with e-LocalLink and CGI Communications, Inc. on "Streaming Video Applications" and "Decorative Banner Programs." Through this agreement, e-LocalLink and CGI, Inc. will provide a streaming video program designed to showcase and educate the City's online audience about Gainesville at no cost to the City, since local advertisement will support the service. By enhancing municipal web sites with their streaming video technology, e-LocalLink/CGI, Inc. will assist Florida cities while establishing a portfolio for their national market. Cities utilizing this program include: Fort Lauderdale, Hollywood, Melbourne, and most recently, Tallahassee and Daytona Beach. The streaming video program will be hosted on an e-LocalLink server located off-site with access through a "one-click" link on the City of Gainesville internet website homepage. The City of Gainesville streaming video program will appear on a banner page along with linked advertisements to local businesses.*

*Fiscal Note: None.*

**RECOMMENDATION**

*The City Commission receive this update.*

**041016****Grant Application for the Federal Home Loan Bank of Atlanta's Affordable Housing Program (NB)**

*Explanation: This application requests \$60,000 of grant funds to be used as owner-occupied rehabilitation subsidy. The subsidy will be passed on to ten very low-income families to aid in rehabilitation of their homes. The AHP grant funds will be used in conjunction with other funding sources, such as CDBG, HOME and SHIP. These funds will also help address the City's continued effort to provide safe, decent, sanitary and affordable housing to very low-income homeowners.*

*Fiscal Note: Each income eligible homeowner will receive a \$6,000 deferred payment loan towards the cost of rehabilitation to their home.*

**RECOMMENDATION**

*The City Commission: 1) support a \$60,000 grant application to the Federal Home Loan Bank (FHLB) of Atlanta's Affordable Housing Program; 2) approve the grant application submittal to M & S Bank for its review and approval as the member institution; 3) authorize the City Manager or designee to execute the grant application on behalf of the City; and 4) authorize the Mayor to execute a support letter for the grant.*

**041017****Environmental Due Diligence - Wal-Mart at Northside Park (B)**

*Explanation: Wal-Mart completed a Phase I Environmental Assessment and Survey covered under the Limited License and Right of Entry Agreement approved by the City Commission on November 8, 2004. Wal-Mart is now requesting a Limited License and Right of Entry Agreement to allow them to continue their environmental due diligence.*

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

**RECOMMENDATION**

*The City Commission authorize the Interim City Manager to execute the Limited License and Right of Entry Agreement to allow Wal-Mart to perform the Environmental Due Diligence, as requested.*

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**041018****Add New Positions to Regional Transit System for Enhanced Service to the University of Florida (B)**

*Explanation:* The Regional Transit System (RTS) and the University of Florida (UF) currently have an Interlocal Agreement to provide unlimited access to the transit system. The University of Florida Transportation Fee Committee meets with RTS on an annual basis to evaluate the service and determine the need for enhanced services. During this year's meeting, the University of Florida Transportation Fee Committee agreed to raise the student fee to pay for current and additional services. In order to provide the additional services, additional staff is required.

The enhanced service consists of adding hours of service on City routes 9, 12, 20, 21, 35 and Campus route 125 Lakeside.

A total of two (2) new transit operator positions (1.5 FTE, 1 full time and 1 part time) plus operating expenses will be needed to provide enhanced service. The recruitment and training period for these new positions will require that the current RTS staff members operate the service until the new employees are available.

*Fiscal Note:* This service will increase RTS expenses by an estimated \$106,728. The revenues generated through the Transportation Fee are projected to cover these additional budget expenses.

**RECOMMENDATION**

The City Commission approve the addition of the new positions and increases in the budget to operate this service, effective August 22, 2005.

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**041019**

**Recreation and Parks Department Facility Naming Policy (NB)**

*Explanation:* In 2001 and 2002, members of the Public Recreation Board performed numerous hours of research on the development of a proposed naming policy for City owned parks and recreation facilities. In 2002, due to a change of board members, this proposed policy was never finalized for presentation to the City Commission. In late 2003, long-time city tennis pro Mike Oransky's wife passed away unexpectedly, and in November of that year staff and citizens together proposed to re-name the Westside tennis center after Joyce Oransky. At the time, members of the City Commission asked if there was any formal naming policy in the City. Staff informed Commissioners that work had been done on a policy, but a draft was never finalized. As a result of the re-naming of the tennis center, and at the Commission's encouragement, the Public Recreation Board re-visited this topic, composing a draft policy for review. Since this policy would affect all areas of the Recreation & Parks Department, it was important to include the Nature Centers Commission in the formulation of the proposed policy. As a result, both the Public Recreation Board and the Nature Centers Commission have jointly developed and approved for recommendation a proposed naming policy for active city parks, nature parks and their associated facilities.

The Department requests permission to present this draft policy to the

*Recreation and Cultural Affairs Committee (RCA) at its March meeting. If approved by the RCA Committee, the Department will bring the policy back to the full City Commission for final approval.*

*Fiscal Note: Funds for the replacement of signs due to any future name changes of parks or facilities will be paid for from Recreation & Parks Department budgeted funds.*

**RECOMMENDATION**            *City Commission refer the review of this proposed policy to the Recreation and Cultural Affairs Committee.*

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## **041020**

### **Revision to Chapter 18 Code of Ordinances Regarding Park Regulations (NB)**

*Explanation: The Recreation and Parks Department, along with the City Attorney's office, has been working on a revision to the current Chapter 18 section of the City Code of Ordinances regarding park policies. The Department would like to present an overview of its proposed changes to the Recreation and Cultural Affairs Committee (RCA) at its March meeting. If approved by the RCA Committee, the Department will bring the revised code of ordinances back to the full City Commission for final approval.*

*Fiscal Note: No cost is anticipated.*

**RECOMMENDATION**            *City Commission refer the matter regarding the code revision to the Recreation and Cultural Affairs Committee for review.*

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## **041024**

### **Response to Cox Cable Petition (NB)**

*Explanation: Over the years, the federal government has been involved in the deregulation of the cable television industry. The City has received a Petition filed by Cox Communications, Inc. with the Federal Communications Commission (FCC) in Washington D.C. Cox is seeking to revoke Gainesville's basic rate regulatory authority. The rationale cited by Cox is that there is sufficient competition so that municipal rate regulation is no longer needed. Since there are not a significant number of cable television providers in our area, it appears that the "competition" includes alternative competitive services such as satellite television service and others from which consumers may obtain informational and entertainment services.*

*Unless the City and/or Alachua County opposes the Petition, the FCC is likely to grant the Petition. If granted, the City would lose the ability to: 1) regulate cable rates for basic service, equipment and installations; 2) enforce the uniform rate provision of FCC rules which requires that all customers within a given franchise area be charged the same rates; and, 3) enforce the anti-buy*

through provisions which forbid cable operators from requiring customers to buy any tier of service except basic cable in order to purchase premium or pay-per-view channels.

*Fiscal Note:* Funds are available in the current budget to pay for consulting and/or outside legal services.

**RECOMMENDATION**

The City Commission authorize staff to: 1) hire a consultant or special counsel, if appropriate, to represent the City in this manner; 2) file a response to the FCC opposing Cox's Petition, if warranted; and, 3) take any other reasonable actions to protect the interests of the City and its cable subscribers.

**040187**

**Ad Hoc Committee on Homeless Concerns Final Report (B)**

*Explanation:* The Ad Hoc Homeless Committee met with staff and other interested persons three times over the last two months. The Committee concluded its final meeting on February 16, 2005, with a consensus on the short-term recommendations that are outlined in the backup materials.

*Fiscal Note:* None.

**RECOMMENDATION**

The City Commission accept the final report from the Ad Hoc Committee on Homeless Concerns.

**Legislative History**

7/12/04	City Commission	Referred (7 - 0)	Community Development Committee
8/5/04	Community Development Committee	Approved as Recommended	
9/13/04	City Commission	Continued (6 - 0 - 1 Absent)	
10/11/04	City Commission	Approved, as shown above	
10/11/04	City Commission	Referred	Community Development Committee
10/11/04	City Commission	Referred	City Manager
11/4/04	Community Development Committee	Continued	
11/15/04	Community Development Committee	Continued	
11/22/04	City Commission	Heard	
1/6/05	Community Development Committee	Approved as Recommended	
1/10/05	City Commission	Approved, as shown above (7 - 0)	
1/24/05	City Commission	Approved as Recommended (7 - 0)	
2/14/05	City Commission	Approved as Recommended (4 - 3)	

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## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

### 041013

#### **The Energy Authority - Restated and Amended Electric Advance Agreement (MISO Addendum to Trade Guaranty) (NB)**

*Explanation: The City is a party to that certain Restated and Amended Electric Advance Agreement dated as of April 1, 2001 among The Energy Authority, Inc. ("TEA") and its members in order to provide credit support for TEA's electric trading business. TEA is preparing to operate as a market participant in the Midwest Independent Transmission System Operator, Inc.'s ("MISO") energy market pursuant to MISO's Open Access Transmission and Energy Markets Tariff on file with the Federal Energy Regulatory Commission. In order to participate in MISO's energy market, TEA has determined that it is necessary to supplement and amend the terms of the credit support provided by its members by modifying the form of the Trade Guaranty (as defined in such Advance Agreement) by the "MISO Addendum to Trade Guaranty Agreement." Such MISO Addendum is attached as Annex 4 to the form of Restated and Amended Electric Advance Agreement dated as of January 1, 2005 (the "2005 Advance Agreement") approved by TEA's board by action taken on February 2, 2005, a copy of which is attached hereto as Attachment 1. TEA has requested that its members execute and deliver the 2005 Advance Agreement and the related MISO Addendum. It is probable that TEA may determine that participation in additional regional transmission organizations (RTO's) to be in the best interest of its members as such RTO's begin trading in the future.*

*Fiscal Note: The Agreement and Addendum do not modify any financial commitments under the previously approved advance agreement.*

#### **RECOMMENDATION**

*1). Authorize the General Manager for Utilities or his designee to execute the Restated and Amended Electric Advance Agreement dated January 1, 2005, by and among JEA, Municipal Electric Authority of Georgia (MEAG), South Carolina Public Service Authority (Santee Cooper), Nebraska Public Power District (NPPD) and City Utilities of Springfield, Missouri (City Utilities) (the "2005 Advance Agreement"), substantially in the form of that agreement which is on file in the office of the Clerk of the Commission, together with the MISO Addendum to Trade Guaranty and any documents necessary to their implementation, subject to approval of the City Attorney and 2). Authorize the General Manager or his designee to execute and deliver such further amendments to the 2005 Advance Agreement which authorize further addenda to the Trade Guaranty as may be required by other regional transmission organizations or*



*independent system operators, to the extent such addenda are in substance similar to the addendum effected by Annex 4 to the 2005 Advance Agreement, such determination to be made by the General Manager or his designee, subject to approval of the City Attorney.*

**041014****Perpetual Transportation Easement and Drainage Easement to Alachua County (B)**

*Explanation: The Catholic Diocese of St. Augustine (hereinafter Diocese) is near completion in constructing the St. Francis High School located in the 11500 block of NW 39th Avenue. The Diocese property is adjacent to a portion of the City's electric transmission right-of-way north of NW 39th Avenue. At the onset of the site planning for the new high school, staff negotiated an exchange of property that benefited both the Diocese and the City.*

*In the negotiated exchange of property, the Diocese granted a Warranty Deed to the City in November, 2003, for a 200' X 200' site for the City's construction of a Power Delivery System (P.D.S.). The acquisition of this site will allow the City to construct a P.D.S. facility in the near future to serve the growing power requirements due to ongoing development in northwest Gainesville. The P.D.S. site is located adjacent to the City transmission right-of-way in the Northeast corner of the Diocese property.*

*In exchange for the P.D.S. site, the City agreed to grant the property rights necessary for a road to access the Diocese property. It was agreed that the Diocese would construct, at their expense, a road consistent with the Alachua County standards for a residential street with curb and gutter. The road was built along the west 63' of the City owned 150' wide electric transmission right-of-way. Once the road has been completed and passed inspection by Alachua County, the County has agreed to operate and maintain the road upon the granting of a Perpetual Transportation Easement from the City.*

*In association with the site development for the St. Francis High School and the construction of the access road, the Diocese was required to install underground drainage system facilities to connect to a County drainage inlet at NW 39th Avenue. The drainage facilities which are to be maintained by Alachua County have been designed to cross the City's electric transmission right-of-way diagonally from the NW 39th Avenue right-of-way to the new access road a distance of approximately 26 feet. The County has requested the City to grant a drainage easement to cover these facilities.*

*Staff has reviewed and recommended the granting of the Perpetual Transportation Easement and a Drainage Easement to Alachua County for this project. The City will retain fee simple title to the electric transmission right-of-way. Further, an indemnification clause has also been incorporated into the easement document protecting and defending the City from all claims*



or expenses arising out of or relating to the County's utilization of the easement areas for transportation and drainage purposes. There is no fiscal impact to the City for this project.

**RECOMMENDATION**

*The City Commission: 1) approve the granting of a perpetual transportation easement to Alachua County for transportation purposes across a portion of City of Gainesville electric transmission right-of-way adjacent to property owned by the Catholic Diocese of St. Augustine; and 2) approve the granting of an associated drainage easement to Alachua County for the construction, operation and maintenance of drainage facilities across a portion of the City's electric transmission right-of-way; and 3) authorize the Mayor and Clerk of the Commission to execute the Easements, substantially in the form on file, subject to approval by the City Attorney as to form and legality.*

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

### **041011**

#### **STEVE T. MALU VS. THE CITY OF GAINESVILLE; UNITED STATES DISTRICT COURT; CASE NO.: 1:04CV356MMP (B)**

*Explanation: On February 7, 2005, the City of Gainesville was served with a summons and complaint. Mr. Steve Malu alleges that he did not get the Equal Opportunity Charter Officer position because of his race and national origin and in retaliation for filing a complaint against the City.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the case styled Steve T. Malu vs. the City of Gainesville; United States District Court; Case No.: 1:04cv356MMP.*

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

### **041007**

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

**RECOMMENDATION**

*The City Commission approve the minutes of February 14, 2005, as circulated.*

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### **041023**

#### **City Commission Special Meeting (NB)**

**RECOMMENDATION**

*The City Commission schedule a special meeting regarding the City Manager RFP Selection - May 2, 2005, 5:30 PM - City Hall Auditorium.*

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC WORKS COMMITTEE, CONSENT****PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****040917****Upgrade of Staff Assistant II Position from Part Time to Full Time in the Marketing & Communication Office (NB)**

*Explanation: In December 2004, two positions, Senior Executive Assistant (FT) and Staff Assistant II (PT .5 FTE) were transferred from the Clerk of the Commission Office to the Marketing and Communications Office. The Staff Assistant II (PT .5 FTE) is currently vacant.*

*The department has found that 1.5 FTE staff support does not allow for efficient or effective service delivery. Increasing .5 FTE will provide two full time staff to assist in increasing productivity and customer service by:*

- 1) Providing consistent staffing of the City Hall Visitor Reception desk*
- 2) Better utilization of the Senior Administrative Staff within the Marketing and Communications Office*
- 3) Allowing the Interim Department Manager to focus on Marketing and Communications issues rather than doing support work*

*Fiscal Note: The estimated cost is approximately \$12,000, including benefits, and funds are available in the Marketing and Communications budget.*

**RECOMMENDATION**

*Personnel & Organizational Structure Committee recommend the City Commission approve increasing the .5 FTE Staff Assistant II to 1 FTE Staff Assistant II. pay grade DD (CWA) \$23,809.66 - \$29,434.69.*

**Legislative History**

2/15/05	Personnel and Organizational Structure Committee	Approved as Recommended
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**040961****An Ordinance Amending Chapter 2 of the Gainesville Code of Ordinances (B)**

*Explanation: Administrative, professional, and managerial personnel (herein referred to as "overtime exempt employees") are paid an annual salary to perform services for the City and as such are expected to work the hours reasonably necessary to execute the job for which they were hired. However, from time to time extraordinary demands are placed upon the City's employees due to extraordinary events including: civil emergencies such as the Student Murders of 1990, severe storms such as the Storm of Century of 1993, natural disasters such as Hurricanes Frances and Jeanne of 2004, and other significant community/system upsets. The City has had a practice of awarding supplemental compensation to affected exempt employees (not including Senior Management) in recognition of the significant additional hours of work, hardship and expense the employee and his/her family must bear in order to respond to the needs of the community as a whole. Recent revisions to the Federal Fair Labor Standards Act have made the supplemental compensation of overtime-exempt employees much more straight forward without jeopardizing their exempt status. Therefore, it is easier now to prepare and enact a supplemental compensation ordinance applicable to such extraordinary events.*

*Staff has proposed a policy that would authorize Charter Officers to pay exempt employees at specified levels of the organization a one-time lump sum payment for working authorized extended hours during a time of declared emergencies, whether providing mutual aid services or local disaster recovery services. This policy, if adopted, would supplement the authorization adopted in 1992.*

*The ordinance contemplated by management would authorize the payment of lump sum compensation for declared emergencies that have been deemed eligible for reimbursement from state, federal and/or other external sources and for services provided to other agencies when reimbursement is to be provided under mutual aid agreement provisions. The ordinance would also allow for the potential authorization of one-time lump sum payments under other broadly defined catastrophic event circumstances only after prior ratification by the City Commission should such events occur in the future.*

*In order to develop an appropriate and fair methodology, staff surveyed other cities and municipal utilities to benchmark a proposal (see additional backup documentation). Based upon this information, the staff proposal is among the more conservative policies. Staff proposes that the first four additional hours worked during each seven-day period of a designated event would be treated as a deductible (meaning no additional compensation). Such deductibles shall not be prorated. Once all deductibles have been applied for an event, the next forty hours would be compensated generally as administrative leave (as provided in Personnel Policy 22 for extraordinary cases), thereafter all additional hours worked would be paid as outlined below. The deductibles and administrative leave provisions described above would not be required when mutual aid agreement reimbursement provisions allow for the payment of supplemental direct compensation to exempt employees for all hours worked.*

*The policy provides different rates of pay depending upon the level of exempt employees. Professionals, Administrative, and Managers (frontline) would receive time and one-half pay for additional hours worked. Middle Managers would receive straight time pay. Senior Managers would not be eligible for additional compensation regardless of the number of hours they worked. (Note: The definitions used to specify levels of exempt employees (i.e., Professional, Administrative, and Manager; Middle Manager; and Senior Manager) are those set forth in the Affirmative Action Plan document.)*

*Since hurricanes Frances and Jeanne impacted our area back-to-back with very little time between events, staff proposes that the City treat these two events as a combined event for purposes of this policy. The cost, including social security and Medicare (pension is exempted), to the City for retroactively implementing the proposed Policy will be approximately \$132,829 (\$104,323 for GRU and \$28,506 General Government). The estimated total cost for hurricanes Frances and Jeanne is greater than \$11 million, excluding any potential reimbursements from FEMA or the state. The proposed policy payments would amount to approximately 1% of the total estimated cost of hurricanes Frances and Jeanne.*

*Fiscal Note: Given the very limited scope of circumstances that would warrant exercising the provisions of this ordinance, the fiscal impact is projected to be minimal. In many instances supplemental compensation expenses may be eligible for reimbursement by the Federal Emergency Management Agency and possibly other sources if the City has enacted an ordinance to effect such payments in advance of the catastrophic event. General Government and GRU recommend that payments for Hurricanes Frances and Jeanne, if authorized, be funded from current departmental budgets.*

**RECOMMENDATION**

*The Personnel & Organizational Structure Committee recommends that the City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 2 of the Gainesville Code of Ordinances authorizing the award of Supplemental Compensation to Administrative, Professional, and Managerial Employees under certain limited circumstances, providing a severability clause, and providing a retroactive effective date, based upon a policy prepared by staff.*

**Legislative History**

2/14/05	City Commission	Referred (6 - 0 - 1 Absent)	Personnel and Organizational Structure Committee
2/15/05	Personnel and Organizational Structure Committee	Approved as Recommended	

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**PUBLIC SAFETY COMMITTEE, CONSENT****040903****Remote Surveillance System/Confidential Funds Enhancement from Federal LECFTF for the Special Investigations Division (NB)**

*Explanation:* The requested surveillance equipment will be utilized during narcotics investigations for remotely monitoring, surveilling, and recording narcotics traffickers. This system will be supported through secure high speed internet, and secure wireless systems. The purpose of this equipment will be for the enhancement in the prosecution of State and Federal narcotics investigations. This technology upgrade will also aid detectives in the identification of drug traffickers as well as the clearing of those persons not criminally involved. The expenditure request for the Remote Surveillance System is \$39,500. The additional request of confidential funds will be for the purchase of illegal narcotics and investigative expenses in furtherance of the Comprehensive Drug Plan. The expenditure request for the Confidential Funds Enhancement is \$40,000. The expenditure total for this request is \$79,500.

*Fiscal Note:* Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$1,860,695. The balance is adjusted to account for pending items.

**RECOMMENDATION**

The City Commission approve the appropriation and expenditure of an amount not to exceed \$79,500 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the Special Investigations Division Confidential Funds Enhancement and Remote Surveillance System.

**Legislative History**

2/17/05	Public Safety Committee	Approved as Recommended
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**040957****Technology Upgrades and Renovations to the Gainesville Police Department's DataTrac Room (NB)**

*Explanation:* The Gainesville Police Department's management accountability system, DataTrac, has been operational for over four years. During this time, many technological advances have been made in the equipment used to manage the presentation information. Additional funding is needed to replace and/or upgrade existing equipment in the room in order to continue to make advancements in this area. As the DataTrac sessions are very well attended by in-house staff, other agencies, and concerned and involved citizens it has become necessary to also increase seating capacity. Finally, the DataTrac Room functioned very successfully as the City's Emergency Operations Center

during the 2004 hurricane season, and funds for renovations will additionally cover expansion of the room's capabilities for critical events such as an EOC. The funds will be used for upgrading technical equipment and to provide additional methods of information sharing; additional chairs and other furniture (EOC); and to cover materials and labor related costs for the proposed renovation.

*Fiscal Note:* Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The balance in the account is \$1,801,370.80. The balance is adjusted to account for pending items.

**RECOMMENDATION**

The City Commission approve the appropriation and expenditure of an amount not to exceed \$76,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for renovations and equipment upgrades to the Gainesville Police Department's DataTrac Room.

**Legislative History**

2/17/05	Public Safety Committee	Approved as Recommended
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## AUDIT AND FINANCE COMMITTEE, CONSENT

### **040982**

#### **Quarterly Financial Report - Gainesville Regional Utilities (B)**

**RECOMMENDATION**

The City Commission receive and approve the GRU Quarterly Financial Report as of December 31, 2004.

**Legislative History**

2/21/05	Audit and Finance Committee	Recommended for Approval
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### **040987**

#### **Fiscal Year 2005 Operating Funds Quarterly Monitoring Report - Quarter Ending December 31, 2004 (B)**

*Explanation:* The City's General Government Budget Policy requires staff to prepare and submit a quarterly budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund fund balances, to the Audit and Finance Committee.

**RECOMMENDATION**

The City Commission receive and approve the quarterly budget monitoring report for the quarter ended December 31, 2004.

Legislative History

2/21/05 Audit and Finance Recommended for Approval  
Committee

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**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****040989****Letter to Bellsouth Requesting the Removal of Their Overhead Line along Southwest 2nd Avenue (NB)**

*Explanation:* As part of a CRA funded project, GRU is currently replacing the lighting along Southwest 2nd Avenue with Lumec Renaissance light fixtures. At this time, Bellsouth has declined to underground their overhead wiring along this corridor, so that even after the new light fixtures have been placed along the corridor, there will still be wooden poles maintaining the Bellsouth lines overhead.

*Staff is asking that the CRA direct the Chair and request that the City Commission direct the Mayor to write letter to Bellsouth requesting that Bellsouth remove those lines.*

*Fiscal Note:* None at this time.

**RECOMMENDATION**

*The CRA request that the City Commission direct the Mayor to send a letter requesting that Bellsouth underground their wires along Southwest 2nd Avenue.*

Legislative History

2/21/05 Community Approved as Recommended (4 - 0 - 3 Absent)  
Redevelopment  
Agency

**040997****University of Florida Design Build Studio for the Northwest 5th Avenue Neighborhood (B)**

*Explanation:* The Fifth Avenue/Pleasant Street (FAPS) Redevelopment Advisory Board heard a presentation from Richard Blakeslee, a graduate student from the University Of Florida School Of Architecture. Mr. Blakeslee is proposing a design build studio similar to programs in New Haven, Connecticut and Lawrence, Kansas. Mr. Blakeslee would work with the City Housing Division to identify a home buyer for the house. Mr. Blakeslee would then design the house with the owner and work with groups like Dignity and the UF School of Building and Construction Management to build the project. Mr. Blakeslee will ask the City of Gainesville to provide a lot for this project.

*The Advisory Board was very supportive of the project.*



*Fiscal Note: None at this time.*

**RECOMMENDATION**

*The CRA request that the City Commission support the design build studio by providing an appropriate piece of land in the Fifth Avenue District.*

**Legislative History**

2/21/05      Community      Approved as Recommended (4 - 0 - 3 Absent)  
 Redevelopment  
 Agency

040997-Design Build Studio -5th Ave.pdf

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**040995**

**Use of the Sorority Woods Property for Stormwater(NB)**

*Explanation: The CPUH Board has been working with Public Works and Jones Edmunds and Associates on the development of a district wide stormwater management plan for University Heights and the Tumblin Creek watershed. As part of those discussions, the land known as "Sorority Bog" or "Sorority Woods" has been identified as a possible site for stormwater retention. The Advisory Board is recommending the CRA request the City Commission to begin a dialogue with the University of Florida to explore ways that this might be achieved.*

*Fiscal Note: None at this time.*

**RECOMMENDATION**

*The CRA request that the City provide the University of Florida with information and/or timeline from the stormwater study that includes the piece of property known as "Sorority Bog" next to Sorority Row for use as a stormwater retention area.*

**Legislative History**

2/21/05      Community      Approved as Recommended (4 - 0 - 3 Absent)  
 Redevelopment  
 Agency

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**041008**

**City Commission Referral List (B)**

**RECOMMENDATION**

*The City Commission review the attached referral list and take appropriate action.*

041008a\_200502281300.pdf

041008b\_200502281300.pdf

041008c\_200502281300.pdf

**CITY MANAGER****041021****Downtown Plaza (NB)**

*Explanation: The Interim City Manager appointed the Downtown Plaza Task Team and tasked them with reviewing the current physical condition of the Downtown Plaza and recommending modifications to improve the physical appearance.*

*The Team identified the following issues within the Plaza:*

*Landscaping issues*

- \* Dead grass*
- \* Lack of diverse plants*
- \* Overgrowth*
- \* Visibility diminished by trees/plants*

*Hardscaping Issues:*

- \* Condition of benches*
- \* Lack of walkways*
- \* Broken fixtures in bathrooms*
- \* Difficulty in keeping bathrooms clean*
- \* Lack of decorative hardscaping items*
- \* Cages on brick structure at the RTS benches collect trash*

*Maintenance Issues:*

- \* Lack of unified maintenance*
- \* Inadequate maintenance frequency*
- \* Diverse allocation of resources*
- \* Overlapping areas of responsibility*

*Restroom Hours of Operation:*

- \* Opened at 7:30 am by Parks staff Monday - Friday*
- \* Cleaned twice a day during weekdays by Facilities Management*
- \* Locked at 6:00 pm by RTS staff Monday - Friday*
- \* Daily weekend cleaning by private contractor via CRA contract*

*The Plaza currently operates under a diversified management, in which various agencies and departments have overlapping jurisdictional responsibilities. Many of the agencies and departments perform similar tasks, but in different capacities. This approach seems to stretch limited resources, and also makes it increasingly difficult to quantify the effect that this work has on the Plaza.*

*It is the recommendation of the Team that one Department take responsibility for the overall upkeep and maintenance of the Plaza and all the associated improvements. It is further a recommendation of the Team that there be an Ambassador of sorts provided by the City, whose responsibility would be to*

*provide oversight of the Plaza to ensure it is kept clean and is available to interact with visitors. A unified management structure would improve the information flow between the departments, eliminate duplicated efforts, and optimize the efforts of all agencies involved.*

*The Community Redevelopment Agency's (CRA) role in redeveloping and revitalizing the downtown area and extent of their interaction with the Downtown community makes them the strongest potential candidate to adopt the role of the management entity; however, the CRA would require funding or staff from the city to provide the physical services currently provided. Plans are to address this issue through future staff assignment changes.*

*Recommended improvements are as follows:*

*1. Lighting*

*\$35,000*

*2. Bathroom Renovation*

*\$40,000*

*3. Hardscape Bench Area*

*\$36,000*

*4. Upgrade Benches*

*\$9,000*

*5. Grass Replacement*

*\$4,000*

*6. Hanging Planters*

*\$1,000*

*7. Diversify Plaza Plants*

*\$2,000*

*8. Replace cages at RTS bus benches with round knobs*

*\$3,000*

*9. Public Art*

*\$10,000*

*10. Electrical Upgrade*

*\$65,000*

*In separate efforts, the Downtown Redevelopment Advisory Board is developing a plan to clean and brighten the Downtown area with a focus on the connection between the Southwest Downtown Parking Garage and the Downtown Core and the CRA staff is developing the programming aspects of the Downtown Plaza.*

*Fiscal Note: Funding for the outlined improvements has been appropriated in the bond proceeds for FY 05. The Electrical Upgrade is included in the recently approved bond issue.*

RECOMMENDATION

*The City Commission hear a report from the Interim Assistant City Manager.*

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**041026**

**Mayor Pegeen Hanrahan - Tom Cunilio (NB)**

RECOMMENDATION

*The City Commission hear a presentation from Tom Cunilio.*

**041031**

**Mayor Pegeen Hanrahan - University Corners (B)**

RECOMMENDATION

*The City Commission discuss the request and take appropriate action.*

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**COMMISSION COMMENTS**

**CITIZEN COMMENT****COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)**

*Boy Scout Troop #84, John Perkins, Scoutmaster, First United Methodist Church*

**PROCLAMATIONS/SPECIAL RECOGNITIONS****041009****Richard Williams Day - February 28, 2005 (B)**

**RECOMMENDATION**            *City of Gainesville Fire Rescue Chief Richard Williams to accept the proclamation.*

Williams, Richard\_Day.pdf

**041033****Firefighter Paramedic of the Year Award (NB)**

*Explanation: In December the Florida Fire Chiefs' Association selected Allen Siorek as Florida's Firefighter/Paramedic of the Year. In his young career with GFR, Siorek has shown a leadership in key projects for the department, including emergency medical services and training to the community. He has accepted the additional role of "Team Leader" for the Tactical Medical Support Team; is a SWAT medic; is both Basic and Advanced Cardiac Life Support Instructor; and provides strong support to development of department electronic information systems, communications systems, and quality monitoring and assurance. Firefighter/Paramedic Siorek is a highly professional, innovative, and motivating member of the Gainesville Fire Rescue organization.*

*Fiscal Note: None*

**RECOMMENDATION**            *The City Commission present Allen Siorek with the Florida Fire Chiefs Association Firefighter/Paramedic of the Year award.*

**041029****100th Anniversary of Rotary International (B)**

**RECOMMENDATION**            *Members of Rotary to accept the proclamation.*

Rotary\_100thAnniv.pdf

**PUBLIC HEARINGS**

**GENERAL PUBLIC HEARINGS****041032****U.S. Dept. of Justice, "Justice Assistance Grant" FY 2005 Local Solicitation (B)**

*Explanation: The City of Gainesville recently received notification from the U.S. Department of Justice, that it was eligible to receive \$ 88,076 in grant funding under the "Edward Byrne Memorial Justice Assistance Grant (JAG)". The JAG program allows local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most. The Gainesville Police Department proposes to utilize the funds received under this grant to continue the production of the GPD television show "Police Beat", acquire additional in-car video cameras for patrol vehicles, to place automated external defibrillators (AED) at Department facilities, and to purchase other technical equipment for enhancements either to the Laptop project or the Data Trac process.*

*Fiscal Note: The \$ 88,076 in grant funds provided by the U.S. Department of Justice through the Edward Byrne Memorial Justice Assistance Grant, is awarded during the first fiscal year of the appropriation and may be expended during the following 3 years, for a total of 4 years. There are no required local matching funds for this grant award.*

**RECOMMENDATION**

*The City Commission: 1) hold a public hearing regarding the City's proposed use of funds awarded under the Edward Byrne Memorial Justice Assistance Grant; 2) hear a report from staff on the City's proposed use of these funds; 3) receive written and oral public input about the local government's entire budget and the relation of the grant to the entire budget; 4) authorize the Interim City Manager to apply for, accept, and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality; and 5) approve the expenditures as outlined in the presentation.*

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**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****ORDINANCES, 2ND READING- ROLL CALL REQUIRED****040874****CHAPTER 8 AMENDMENTS RELATING TO DISCRIMINATION (B)****Ordinance No. 0-05-18**

**An ordinance of the City of Gainesville, Florida; amending Chapter 8 of the Code of Ordinances of the City of Gainesville relating to discrimination; amending Section 8-22 relating to the Human Rights Board meetings; Section 8-51 relating to the processing of equal opportunity complaints; and Section 8-95 relating to the processing of fair housing complaints; 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 January 24, 2005, authorized the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 8 of the Code of Ordinances relating to the Human Rights Board meetings, the processing of equal opportunity complaints, and the processing of fair housing complaints.*

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

**Legislative History**

1/24/05	City Commission	Approved as Recommended (7 - 0)
2/14/05	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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## **RESOLUTIONS- ROLL CALL REQUIRED**

### **041012**

#### **2005 ANNEXATION REFERENDUM (B)**

**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, ANNEXATION REFERENDUM HELD FEBRUARY 15, 2005, AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

*Explanation: On February 15, 2005, a referendum was held. The Report of the Board of Canvassers for the City of Gainesville, showing the referendum for annexation passed, is adopted by this resolution of the City Commission.*

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

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### **041022**

**A Resolution of the City of Gainesville, Florida, urging the Members of the Florida Legislature to Support Certain Municipal Growth Management Issues During the 2005 Legislative Session (B)**

*Explanation: Last year, the Florida League of Cities Board of Directors adopted a new initiative to enhance the Legislature's awareness of the League's priority issues. That plan calls on each of Florida's 407 cities to adopt a resolution that supports the League's key priority issues. These key issues were adopted by the*



*League membership at the recent Legislative Conference and address Growth Management, Reform and Infrastructure Funding. In a letter dated January 13, 2005, the Florida League of Cities has requested that the City of Gainesville adopt the support resolution at the next available commission meeting.*

*Fiscal Note: None.*

**RECOMMENDATION**             *The City Commission adopt the Resolution.*

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## **040988**

### **First Amendment to the FY 2005 General Government Financial and Operating Plan (B)**

*Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2005 General Government budget those transactions and activities that were not anticipated during the budget process.*

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

**RECOMMENDATION**             *The City Commission adopt the Resolution.*

#### **Legislative History**

2/21/05      Audit and Finance      Recommended for Approval  
                                    Committee

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## **PLAN BOARD PETITIONS**

## **DEVELOPMENT REVIEW BOARD PETITIONS**

## **SCHEDULED EVENING AGENDA ITEMS**

## **041025**

### **Commissioner Rick Bryant - ACTION Network (NB)**

**RECOMMENDATION**             *The City Commission hear a presentation from the ACTION Network on transportation and infrastructure.*

## **UNFINISHED BUSINESS**

## **COMMISSION COMMENT**

**CITIZEN COMMENT**

**ADJOURNMENT - 7:33 PM**