

# **City of Gainesville**

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



## **Meeting Agenda**

**September 12, 2005**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

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

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

## CALL TO ORDER - 1:03 PM

## AGENDA STATEMENT

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

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 050286

#### **Homeless People Using RTS Bus Shelters Policy (NB)**

*Explanation: At the August 8, 2005 City Commission meeting, the issue of a policy regarding homeless people using the RTS Bus Shelters on Sundays when the bus service is not in operation was referred to the City Manager for review by appropriate staff with a report back to the City Commission.*

*On August 26, 2005, staff met with Joe Jackson and Reverend Dave Swanson to discuss the issue. Jesus Gomez, Interim Transit Director, indicated that the practice of signing bus stops with No Trespassing Signs began a number of years ago after complaints were received by RTS passengers along University Avenue that they were not able to utilize the benches due to people sleeping on them. After discussions with the Police Department, it was determined that there would have to be signs installed to allow the Police Department to alleviate the use of the benches by non-RTS passengers. To address these complaints, City staff initiated a shelter trespass program.*

*To resolve the current concern, the City could change the wording of the signs to indicate that No Trespassing is in effect during RTS service hours, particularly for those stops that are shelters. Based on current RTS service hours, parties could not be trespassed on RTS benches/shelters from 3:30 AM Sunday until 5:00 AM Monday.*

*Fiscal Note: Minimal cost associated with the manufacturing of the signs can be covered by RTS Operating funds.*

**RECOMMENDATION**

*The City Commission approve modification of the bus shelter trespass language and remove this item from the referral list.*

**Legislative History**

8/8/05      City Commission      Referred (6 - 0 - 1 Absent)      City Manager

**050321**

**Legal Office Expenses from State Law Enforcement Contraband Forfeiture Trust Fund for FY 2005 2006 (NB)**

*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.*

*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 \$26,876.89.*

**RECOMMENDATION**

*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.*

**050348**

**First Extension of the Ironwood Grounds Maintenance Agreement (NB)**

*Explanation: The City's current three-year contract with OneSource Landscape and Golf Services, Inc. for grounds maintenance at Ironwood Golf Course expires on September 30, 2005. The contract allows for two one-year extensions based on their satisfactory performance. OneSource Landscape and Golf Services, Inc. is not only experienced in Ironwood's course maintenance standards, but continues to work effectively with the City's golf course manager and staff as well.*

*Fiscal Note: This is the first year of the City's Living Wage Ordinance and it will impact this contract. The Living Wage impact represents an increase of \$44,663.28 over the previous year. In FY 2005 the contract payment was \$441,679.00. For FY 2006 the amount will be \$486,342.28.*

**RECOMMENDATION**

*The City Commission approve the first one-year extension to the contract with OneSource Landscape and Golf Services, Inc. for grounds maintenance at*

*Ironwood Golf Course in the amount of \$486,342.28 for the period of October 1, 2005 through September 30, 2006.*

**050349****Bid Award for the Renovation of an ADA Restroom for Fire Station # 7 and a 430 Square Foot Addition that Includes an ADA Restroom, an Extra Bedroom, and a Weight Room (B)**

*Explanation: When most of Gainesville Fire Rescue's fire stations were constructed, they were not effectively designed for men and women firefighters. Station 1 and Station 3 received modifications that addressed living arrangements and fixed the department's restroom and privacy issues. Women's restroom and bunkroom cubicles were constructed. Fire Station 2 was originally constructed with gender specific restrooms.*

*As a result of an Equal Opportunity complaint in FY 2000, former City Manager Wayne Bowers formed a representative committee of fire rescue members who met to identify issues and recommend solutions. This committee identified Stations 4, 5 and 7 with insufficient restroom facilities and privacy arrangements.*

*Mr. Bowers began identifying funding for the upgrades. The cost for the three stations was estimated to be \$200,000 in FY 2001.*

*The Facilities Management Department is renovating the existing restrooms at Fire Station # 7 to upgrade to ADA standards, and adding one ADA restroom designated for female staff. The 430 square foot addition will add one additional bedroom and a weight room. The Purchasing Division solicited bids from 594 vendors, with 9 vendors attending a pre-bid conference held at Fire Station # 7 on June 27, 2005. On July 14, 2005, one vendor submitted a bid, and two no-bids were also received. The Oelrich Construction, Inc. bid was evaluated and found to be in compliance with specifications.*

*Fiscal Note: The Fire Department has \$75,000 available in account # 9999 328 820 720 M600 6020 5190.*

*The balance will come from Facilities Management Departments account # 9999 332 910 M627 6020 5220.*

**RECOMMENDATION**

*The City Commission award the issuance of a Purchase Order to Oelrich Construction, Inc. in an amount not to exceed \$138,050 that includes a 10% contingency for the renovation of ADA restrooms for Fire Station # 7 and the 430 square foot addition.*

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**050350****Contract Extension for the Procurement of Automotive and Equipment Parts and Supplies (B)**

*Explanation:* In October 2003, the City Commission awarded a one-year contract to Genuine Auto Parts d/b/a NAPA Auto Parts for the procurement of automotive and equipment parts and supplies. Fleet personnel recommend taking advantage of the contractual terms allowing for extensions and wish to extend the contract with Genuine Auto Parts d/b/a NAPA Auto Parts for an additional one-year term from October 1, 2005 through September 30, 2006. This will be the second of three available extensions on the contract.

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

**RECOMMENDATION**

*The City Commission:* 1) approve the extension of the current contract with Genuine Auto Parts d/b/a NAPA Auto Parts for a period of one-year; and 2) authorize the City Manager or designee to execute the contract extension.

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**050351**

**Contract Extension for Tire Repair, Balancing & Alignment Services (B)**

*Explanation:* In September 2003, the City Commission awarded a two-year contract to Town Tire for the services of tire repair, balancing and alignment. Fleet personnel recommend taking advantage of the contractual terms that allow for extensions and wish to extend the contract with Town Tire for an additional one-year term, which will cover from October 1, 2005 through September 30, 2006. This will be the first of two (2) available extensions on the contract.

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

**RECOMMENDATION**

*The City Commission:* 1) approve the extension of the current contract with Town Tire for a period of one year; and 2) authorize the City Manager or designee to execute the contract extension.

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**050352**

**Contract Award for Provision of Industrial Hose and Fittings to Regional Transit System (B)**

*Explanation:* The RTS Maintenance Department purchases industrial hose and fittings that are used in scheduled and unscheduled maintenance of the RTS transit fleet. On June 15, 2005, the Purchasing Division solicited bids for the provision of industrial hose and fittings for the Regional Transit System from two hundred two (202) potential vendors, sixteen (16) were plan holders. Four (4) vendors responded with three (3) being no bids. After evaluation of the bids received, staff recommends award of the contract to Trident Supply Company. The term of the contract will be for one year, with the option of three (3) one-year extensions, subject to funding and written consent of both parties. The initial one-year contract will start on October 1, 2005 and expire on September 30, 2006.

*Fiscal Note: Funds in the amount of \$20,000 are available in the RTS FY 05-06 budget to cover this contract.*

**RECOMMENDATION**

*The City Commission: 1) approve the award of the bid to Trident Supply Company to provide industrial hose and fittings to the Regional Transit System; and 2) authorize the City Manager or designee to execute the initial one-year contract and any subsequent annual extensions.*

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**050353****Transit Development Plan Final Approval (B)**

*Explanation: The Florida Department of Transportation (FDOT) requires that a transit system update a transit development plan (TDP) each year to maintain its eligibility for State transit block grant funds. The TDP outlines the development of transit in a community over a five-year period. The governing board of a transit system must approve a TDP to maintain eligibility for FDOT transit block grant funding. The City Commission acts as the governing board for public transit in the Gainesville urbanized area.*

*Fiscal Note: During FY 2004, the City received some \$1,058,054 in FDOT transit block grant funds.*

**RECOMMENDATION**

*The City Commission approve the plan for FY 2006-2010.*

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**050354****City-County Traffic Engineering Services Agreement for FY 2006 (B)**

*Explanation:* For twenty-eight (28) years, the City of Gainesville and Alachua County have entered into an annual agreement for maintenance of traffic signals and traffic engineering services. Under terms of this agreement, the City of Gainesville maintains and operates all traffic signals, flashing school beacons, and flashing warning beacons in the unincorporated area of Alachua County. In addition, the City assists Alachua County with traffic signal design and construction inspection activities. The agreement has prevented duplication of services and resulted in significant cost savings for both the City and County. The agreement also provides a mechanism for the County to reimburse the City for traffic counts, traffic accident studies, and traffic signal design activities the City performs for the County, and the County's contribution for traffic signal maintenance is based on the current number of traffic signals in operation in the unincorporated Alachua County.

*Fiscal Note:* The County will pay the City \$137,190.30, plus costs for materials for traffic signal maintenance and operation for FY 2005-2006.

**RECOMMENDATION**

The City Commission authorize the City Manager or designee to execute the Traffic Engineering Services Agreement between the City and Alachua County for the period of October 1, 2005 to September 30, 2006, subject to approval from the City Attorney as to form and legality.

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**050355****Establish Happy Hour Times for an Establishment Serving Alcohol That Leases Retail Space in the City's Southwest Downtown Parking Garage (NB)**

*Explanation:* One potential use for the lease space in the City's Southwest Downtown Parking Garage is an establishment that serves alcohol. The City Commission has established criteria that govern the sale of alcohol by an establishment that is located in the garage. The criteria states that happy hour will be between the hours of 4:00 p.m. and 7:00 p.m. A potential business in the garage has requested that the happy hour time be changed to 4:00 p.m. to 10:00 p.m.

Public Works staff contacted five establishments in the downtown area to determine what their hours were for happy hour. The times vary, but the majority of the establishments started happy hour at 5:00/6:00 p.m. and ended at 8:00/9:00 p.m. The earliest start time was 2:00 p.m. and the latest stop time was 10:30 p.m. City staff does not object to the requested happy hour time limits of 4:00 p.m. to 10:00 p.m.

**RECOMMENDATION**

The City Commission establish the hours for happy hour for an establishment leasing space in the Southwest Downtown Parking Garage to begin at 4:00

*p.m. and end at 10:00 p.m.*

**050356                      Approval of Contract and Purchase Order to Purchase the Voyles Building (NB)**

*Explanation: On February 14, 2005, the City Commission authorized the funding for purchase of a new Gainesville Police Department Annex and construction and renovation to existing facilities. To facilitate the purchase, the City Commission added this project to the First Florida Governmental Financing Commission Revenue Bond, Series 2005. On June 13, 2005, the City Commission approved the contract and purchase for the Walker Furniture building that is located directly adjacent to the current GPD facility located at 413 NW 8th Avenue. That structure has approximately 14,000 square feet of space and 50 additional parking spaces.*

*During these negotiations, staff became aware of the availability of additional adjacent properties in the Voyle's building complex located directly southeast of the Walker building, 761 NW 5th Street. Staff negotiated a purchase price of \$640,000. The purchase of this additional building and property would allow the Gainesville Police Department to turn one of the block buildings into an indoor firing range and to erect a new building to house the Training Unit, complete with defensive tactic labs and classrooms, as well as a large community meeting room and mediation room to further facilitate community oriented policing.*

*Fiscal Note: Funds are available in the First Florida Governmental Financing Commission Revenue Bond, Series 2005 for the purchase of the facility.*

**RECOMMENDATION**

*The City Commission: 1) authorize the issuance of a purchase order to James W. and Anne H. Voyles, Gainesville, FL in the amount of \$640,000 for the purchase of the Voyle's Building located at 761 NW 5th Street; and 2) authorize the City Manager or designee to execute the contract and any other necessary documents, subject to the approval of the City Attorney as to form and legality.*

**050357                      Ratification of Agreement to amend the North Central Florida Police Benevolent Association, Inc. (PBA) contract for October 1, 2005 through September 30, 2008. (NB)**

*Explanation: This Agreement has been reached through negotiations between the North Central Florida Police Benevolent Association, Inc. and the City of Gainesville, and was ratified by the North Central Florida Police Benevolent Association, Inc. bargaining unit on August 18, 2005. This Agreement extends the current collective bargaining agreement through September 30, 2008.*



*A copy of this agreement is on file with the Clerk of the Commission. After September 12, 2005, the Agreement will be on file in the Human Resources Department.*

*Fiscal Note: Funds are available in the Fiscal Year 2006 budget. The costs for Fiscal Years 2007 and 2008 will be addressed in the budget preparation process for those years.*

**RECOMMENDATION**

*The City Commission ratify the Agreement between the North Central Florida Police Benevolent Association, Inc. and the City of Gainesville, extending the period of coverage through September 30, 2008.*

**050358**

**Agreement Between the City of Gainesville and Alachua County for a Victim Advocate from the Department of Justice, Office on Violence Against Women Grant (B)**

*Explanation: The City of Gainesville was designated to receive funding through the U.S. Department of Justice, Office on Violence Against Women, FY 2003 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. The project period for the victim advocate position allocated in the FY 2003 grant has been extended for an additional twelve months. The grant provides funding personnel to dedicate to domestic violence crimes, increase public awareness, information sharing and improve training of criminal justice personnel through partnerships with several agencies, including the State Attorney's Office, Alachua County Victim Services and Rape Crisis Center, and Peaceful Paths.*

*Due to the City's current policy regarding non benefits for grant funded employees, the Police Department is requesting approval to contract with the Alachua County Office of Victim Services for this position. The contract provides that the Victim Advocate will be an employee of the County, housed at the Gainesville Police Department. The Alachua County Victim Services and Rape Crisis Center has a long history of service to the community in the field of victim services and in working with law enforcement; and can offer a dedicated victim advocate to ensure support and assistance to victims of domestic violence in the community.*

*Fiscal Note: This contract is for the grant funded amount of \$43,200 for the extended contract period of October 1, 2005 through September 30, 2006. There are no match requirements.*

**RECOMMENDATION**

*The City Commission 1) authorize the City Manager to execute the contract for services agreement with Alachua County and any other necessary documents, pending review by the City Attorney as to form and legality; and 2) authorize the issuance of a purchase order to Alachua County in the amount of \$43,200.*

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**050359**

**Mounted Patrol Unit FY 2005-2006 Funding from Federal Law Enforcement Contraband Forfeiture Trust Fund (B)**

*Explanation: On October 13, 1997, the City Commission approved the formation of the Gainesville Police Department two member Mounted Patrol Unit and authorized funding through the LECFTF. On January 12, 1998, the City Commission authorized the expansion of the unit to include a third member.*

*This funding request of \$45,160 is to cover the operating expenses of the unit for FY 2005-2006. The total operating cost includes funding for maintenance of the Mounted Patrol Unit facilities, veterinary services, horse feed, supplies, and refresher training.*

*A complete breakdown of the funding request is included in the backup.*

*Fiscal Note: Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and are allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice, "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$4,437,003.04 inclusive of items still pending.*

**RECOMMENDATION**

*The City Commission approve the appropriation of \$45,160 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Mounted Patrol Unit.*

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**050360**

**Fee Schedule to Process Pay-off Requests, Mortgage Satisfactions and Loan Subordinations for Housing Division Programs (NB)**

*Explanation: A mortgage document is filed in the public records of Alachua County on all properties that participate in the Housing Division's housing rehabilitation or new construction programs. Owners of properties encumbered by mortgages provided to the City sometimes pursue refinancing of their existing first mortgage or pursue borrowing additional funds by pledging their property as collateral for the loan. Unless the mortgage provided to the City is paid off as a part of the financing transaction, the new lender sometimes requests that the City subordinate its mortgage to the new loan. At the January 28, 2002 City Commission meeting, the City Commission approved a Loan Subordination Procedure for the various Housing Division programs. Staff evaluates each loan subordination request in accordance with this Procedure. If the loan subordination request complies with this procedure, then staff may approve the request to subordinate the City's loan. As a result, and because of the staff time required to process this request, the Housing Division is proposing to implement a fee schedule to process mortgage pay-off and lien subordination requests. If approved, these fees will be charged to the lender.*

*Fiscal Note: If approved, the fees may generate approximately \$5,000 of program income annually.*

**RECOMMENDATION**

*The City Commission authorize the City Manager or designee to charge the following fees: 1) loan subordination with cash out (\$250); 2) loan subordinations with no cash out (\$150); and 3) payoff request (\$10).*

**050361**

**Revisions to Local Housing Assistance Plan and Housing Program Recapture Provisions (State Fiscal Years 2003-2005) (NB)**

*Explanation: At the April 11, 2005 City Commission meeting, the Commission approved the Local Housing Assistance Plan (LHAP) for State Fiscal Years 2005-2007, and subsequently adopted the revised plan on June 13, 2005. The 2005-2007 LHAP reflects the new recapture provisions for City housing programs. Since the Housing Division is currently spending funds under the 2003-2005, as well as the 2005-2007 LHAP, the Housing Division also wishes to amend the 2003-2005 LHAP to reflect the new recapture provisions for the various housing programs to match the 2005-2007 LHAP terms.*

*Fiscal Note: Maximum City housing program amounts will not change; however, program participants must comply with all program conditions for the entire 10-year compliance period for the funds to be forgiven.*

**RECOMMENDATION**

*The City Commission: 1) approve changing recapture provisions for all City Housing programs to a 10-year due on sale loan forgivable at the end of the compliance period; 2) authorize the City Manager or designee to revise the City of Gainesville 2003-2005 Local Housing Assistance Plan to reflect the change in recapture provisions; 3) adopt the 2003-2005 Local Housing Assistance Plan as revised; 4) authorize use of the standard Cedar Grove II mortgage, note and other housing program documents for all City housing programs to perfect the City's claim, subject to City Attorney approval; and 5) authorize the submission of the revised 2003-2005 Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation.*

**050362**

**Purchase and Sale Agreement from J.A. Beguiristain Holdings, Inc. for Lot 22 in the Airport Industrial Park (B)**

*Explanation: On July 12, 2005, J.A. Beguiristain Holdings, Inc. submitted a real estate Purchase and Sale Agreement in the amount of \$176,225 to purchase Lot 22 in*

*the Airport Industrial Park. Lot 22 is located adjacent to the west of the existing Nordstrom's property and consists of approximately 5.3 acres.*

*The proposed Purchaser reports that he is currently owner and operator of B-Line Apparel, a Miami based corporate wearable and custom apparel company in operation for ten years, and owns property in the Airport Industrial Park identified as the former American Poly-Steel Building. B-Line offers custom apparel manufacturing; private labeling; in-house screen printing and embroidery; a creative art department; and a related staff of sales associates. A University of Florida alumnus and homeowner in the Duck Pond area, the proposed purchaser's stated intention is to develop multi-flex space light industrial inventory for his business and others.*

*This proposed purchase of property in the Airport Industrial Park and the Purchaser's stated intention to develop his business as well as additional light industrial space for other businesses meets the stated objective for the City regarding provision of Infrastructure (land and buildings) as contained in the Strategic Action Plan for Economic Development adopted by the City Commission. The proposal provides additional industrial inventory and in the future, greater economic opportunity.*

*Fiscal Note: Per prior agreement executed between the City of Gainesville and the Gainesville Regional Airport, the proceeds of the sale are transferred to the Airport. In addition, any difference between the purchase and sales price and the fair market value associated with the property will be reimbursed to the Airport over a period of ten years via 50% of ad valorem proceeds. Recently, an appraisal was performed on a similarly situated piece of property in the Airport Industrial Park indicating a fair market value of \$35,000 acre. At an offered purchase price of \$176,225.00 for lot 22 at 5.3 acres in the Airport Industrial Park the offered price per acre is \$33,250, a difference of \$1,750 or \$9,275 total. This is a very reasonable discount and the pay back based upon ad valorem proceeds will occur rapidly.*

**RECOMMENDATION**

*The City Commission: 1) approve the attached real estate contract for the purchase of Lot 22 in the Airport Industrial Park; 2) authorize the City Manager to sign the contract which has been approved by the City Attorney as to form and legality; and 3) authorize the Mayor and Clerk of Commission to execute the closing documents.*

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

**050379**

**Purchase Order for Steel Pipe (B)**

*Explanation: On May 23, 2005, the City Commission approved the purchase and installation*

of a natural gas metering and regulating station at the Deerhaven Generating Plant. This new installation is needed to expand the availability of natural gas service and to increase the operational flexibility and reliability of the natural gas distribution system. The Grade B Fusion Bond Coated Steel Pipe is necessary to connect the metering and regulating station to the main gas line off of Highway 441. This pipe is a non-standard material and is not stocked in GRU's warehouses.

Purchasing solicited requests for written quotations from three prospective bidders. All three bidders responded with McJunkin Corporation providing the lowest bid. A Bid Tabulation is attached for your information.

*Fiscal Note:* Funds are available in the FY 2005 Energy Delivery Budget.

**RECOMMENDATION**

The City Commission authorize the issuance of a purchase order to McJunkin Corporation for the purchase and delivery of 3840' of Grade B Fusion Bond Coated Steel Pipe in an amount not to exceed \$51,820.00.

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**050380**

**Purchase Order for Cured-In-Place Pipe Installation Gravity Sanitary Sewer Rehabilitation (B)**

*Explanation:* The GRU Wastewater Collection Department performs television inspection of GRU's gravity sanitary sewer system to identify areas that may require rehabilitation. The inspection of the existing vitrified clay pipe (VCP) gravity sanitary sewers identified six different locations within GRU's sanitary sewer service area which require rehabilitation, including approximately 327 feet of 10-inch and 2677 feet of 8-inch diameter gravity sanitary sewer. Without rehabilitation, the gravity sanitary sewers are subject to internal corrosion, breaks, and groundwater infiltration.

Due to the depth, location, and environmental considerations associated with rehabilitating these gravity sanitary sewers, it is not economically feasible to replace the gravity sanitary sewer using conventional open trench techniques. A proven and cost effective alternative is a trenchless technology which rehabilitates the gravity sanitary sewer with a cured-in-place resin impregnated lining. The lining provides renewed structural integrity to the gravity sanitary sewer, thereby eliminating internal corrosion and preventing infiltration of groundwater into the gravity sanitary sewer. Groundwater infiltration can cause the gravity sanitary sewer to exceed its capacity which can lead to failure of the system. In addition, infiltration significantly reduces the capacity of GRU's wastewater collection system and waste water treatment plants and increases pumping and treatment costs.

This project is part of an on-going program to reduce infiltration and inflow within the wastewater collection system and demonstrates GRU's proactive approach to spill prevention. In addition to lining the gravity sanitary sewer, the Contractor will televise the gravity sanitary sewer, perform heavy cleaning

of the gravity sanitary sewer and install temporary wastewater bypass pumps and above ground force main as may be required.

Invitations for Bids for the Installation of Cured-In-Place Pipe (CIPP) Project were sent by Utilities Purchasing to the only two known companies that perform this application, with both responding. A tabulation of the bids is attached for your information. The recommended approval amount includes approximately 15% contingency funding for discovered contingencies or if more work is identified upon cleaning of targeted pipes for staff to procure other materials, equipment and services as required to complete the project. Any such purchases will be made in accordance with the Purchasing policies.

*Fiscal Note:* Funding for this work is in the approved FY 2005 Water/Wastewater Systems budget

**RECOMMENDATION**

The City Commission authorize the General Manager, or his designee, to issue a purchase order to Insituform Technologies, Inc. for installation of Cured-In-Place Pipe (CIPP) lining to rehabilitate 8 and 10-inch diameter gravity sanitary sewers in an amount not to exceed \$122,035.

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**050381**

**Approval of a Contract for Janitorial Services (NB)**

*Explanation:* ARC of Alachua County, Inc. (ARC) is a local non-profit service organization funded by federal and state agencies as well as local resources, including the United Way of Alachua County. The purpose of ARC is to provide advocacy, support and service for the developmentally disabled in our community. One of the services offered by the organization is vocational training for its "consumers", which includes lawn maintenance, janitorial services and restaurant dishwashing services. With continued endorsement from the City Commission, GRU has been a long-standing supporter of ARC's program to provide employment opportunities for the developmentally challenged by utilizing ARC for janitorial services. For its contribution to the employment of developmentally challenged adults, GRU was recognized by ARC in October 2004 as the "Employer of the Year" at an awards ceremony.

ARC's staff performs janitorial services under this contract for several GRU facilities, including the GRU Administration Building, the Water/Wastewater Building, Field Services Building, the Operations Center and the Wellness Center. A separate janitorial contract with ARC which does not require City Commission approval is also in place for GRU's Springhills facility. ARC's supervisory staff works in conjunction with GRU staff to ensure that contract requirements are met. ARC is also responsive to GRU's extra service requirements, providing extra help during storm and building construction activities as needed.

Traditionally, GRU and ARC have established one-year contracts without extension provisions, each of which requires yearly Commission approval.

GRU staff is recommending the establishment of a three-year contract with ARC. The contract would allow for price adjustments at the request of ARC prior to the anniversary date each of the three years of the contract, not to exceed the CPI for the previous year unless extenuating circumstances exist. The ARC proposal to perform the service for FY06 is approximately 2.5% over the current contract pricing, an increase below the Consumer Price Index increase over the past year.

*Fiscal Note:* Funds for these services have been included in the proposed FY 2006 Utilities budget and will continue to be requested in subsequent years.

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager, or his designee, to execute a three year contract with the Association of Retarded Citizens of Alachua County, Inc. (ARC) for janitorial services, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to the Association of Retarded Citizens of Alachua County, Inc. in an amount not to exceed \$163,400 for FY06 and purchase orders in amounts not exceeding budgeted amounts for FY07 and FY08, subject to the appropriation of funds for these services.*

**050382**

**Quit-Claim Deed to Angus and Terrie Rimes (B)**

*Explanation:* In 1993 the City commission authorized the General Manager to acquire properties needed to facilitate the construction of a Rail Spur connecting the Deerhaven Generating Station to the Norfolk Southern Railway in Lake Butler. GRU outsourced the majority of the acquisition of land rights required for the construction of the Rail Spur to KE Realty. Approximately thirty-three parcels were acquired and/or leased to accommodate the project. In 1994, staff negotiated a long-term contract with CSX Transportation for the transportation of coal to the Deehaven Generating Station, eliminating the immediate need for the construction of the Rail Spur.

*Two of the parcels that were acquired contained a contingency that the property be reverted to the seller in the event that no railroad or associated facility was constructed within 10 years of the date of deed. Staff successfully negotiated easement rights for the construction of rail spur in exchange for fee ownership with one of the property owners in 2003. However, attempts to negotiate with the other property owner to eliminate the reverter language were not successful.*

*Under the terms of the deed, the City is obligated to return the property to the seller upon written request at the end of 10 years from the original date of deed. The deed was executed January 28, 1994 and August 15, 2005 the owner requested in writing that the City return all interest and rights to the property.*

**RECOMMENDATION**

*The City Commission: 1) Authorize the Mayor to execute a Quit-Claim Deed to Angus and Terrie Rimes*

*relinquishing the City's interest in a parcel land  
located at Route 2 Box 714, Lake Butler, FL, subject to  
approval by the City Attorney as to form and legality.*

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**CITY ATTORNEY, CONSENT AGENDA ITEMS****050368****CITY OF GAINESVILLE V. ED CRAPO AS PROPERTY APPRAISER FOR ALACHUA COUNTY, ET AL. CASE NOS. 01-03-CA-4664 AND 01-04-CA-4560 (B)**

*Explanation: In the fall of 2003 and 2004, the City filed suits to challenge the Property Appraiser's assessment of ad valorem taxes against certain City assets, which consisted of the City's fiber optic and internet system, nine City communication towers, and property adjacent to the Deerhaven plant.*

*All parties filed for summary judgment, which hearing was held before the court in June 2005, with a final written order entered on August 22, 2005. The Court found the City's fiber optic and internet system exempt from ad valorem taxation. As to the nine communication towers owned by the City and used for public safety purposes, the Court found the entire value of the towers to be taxable because the City allows private providers to place antennas on space on the towers not currently used by the City. The Court also found the property adjacent to Deerhaven, which was purchased for purposes of providing a buffer and for future expansion, taxable because the City did not purchase existing timber on the property and also did not break a hunting lease on the property.*

*The Court's finding that the City's properties are taxable is contrary to well established law that incidental private use does not destroy the predominate municipal purpose exemption for taxation purposes. Further, the Court's ruling could have significant impact on other City property as well as other municipalities' properties. For that reason the City will ask other impacted municipalities and municipal organizations to participate as amicus.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to proceed with the appeal in this lawsuit.*

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**050369****AMENDMENT TO OPEN CONTAINER ORDINANCE (B)**

*Explanation: F.S. §564.09, effective July 1, 2005, permits a restaurant patron to remove a partially consumed bottle of wine from the premises, if the bottle is re-sealed and placed in a bag or other container. F.S. §316.1936(9), also effective July 1, 2005, provides that a bottle of wine re-sealed in this manner and properly secured for transportation in a motor vehicle is not classified as an open container of alcohol. The City of Gainesville's open container ordinance conflicts with intent of the new statute in that it currently contains no exception for wine purchased at a restaurant and re-sealed. While the statute applies to possession of the wine in a vehicle on the streets and highways, carrying the wine to the vehicle, or directly to the purchaser's residence, would violate the city's ordinance. Amending the ordinance to include such an exemption will eliminate these conflicts and bring the ordinance into compliance with state*

law.

**RECOMMENDATION**

*The City Commission authorize the City Attorney to prepare, and the Clerk of the Commission to advertise, an amendment to the open container ordinance which effectuates the intent of F.S. §564.09.*

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

**050323**

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of July 28, 2005; July 29, 2005; August 1, 2005; August 3, 2005 (Special Meetings); August 8, 2005 (Regular Meeting); August 9, 2005; August 11, 2005; August 15, 2005 (Special Meetings); and August 22, 2005 (Regular Meeting); as circulated.*

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**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PUBLIC SAFETY COMMITTEE, CONSENT**

**050225**

**Special Weapons and Tactics Team Equipment Upgrades from Federal Law Enforcement Contraband Forfeiture Trust Funds (NB)**

*Explanation: The Gainesville Police Department's Special Weapons and Tactics Team is a highly trained and skilled tactical team resource utilized for team responses to non-routine situations, such as hostage, barricade and high risk occurrences. The Special Weapons and Tactics Team utilizes special equipment and training in an attempt to lessen the risk of injury or death to team members, citizens and suspects during the performance of their duties. This request is to upgrade protective gear and tactical equipment Due to the sensitive nature of the Special Weapons and Tactics Team and the equipment utilized to carry out their duties, the information regarding the specific equipment is not included,*

however, is available at the Gainesville Police Department.

*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 \$4,561,764. Balance is adjusted to account for pending items.*

**RECOMMENDATION**

*The City Commission approve the appropriation and expenditure of an amount not to exceed \$43,750 and the issuance of a purchase order to SRT Supply, St. Petersburg, Florida from the Federal Law Enforcement Contraband Trust Fund, for law enforcement equipment upgrades.*

**Legislative History**

8/18/05	Public Safety Committee	Approved, as shown above
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**050252**

**Federal Law Enforcement Contraband Forfeiture Trust Fund Funding for Joint Aviation Unit for FY 2005 2006 (B)**

*Explanation: On July 8, 1996, the City Commission approved the Inter-Agency Agreement for a Joint Aviation Unit between the Alachua County Sheriff's Office (ACSO) and the City of Gainesville's Police Department. The agreement allows for each agency to share the cost of the aviation hangar and office located at the Gainesville Regional Airport and the ACSO maintenance technician's salary. Total estimated operating costs for FY06 are \$81,863. Cost for the hangar/office is \$7279, and the City's half of the maintenance technician's salary is \$32,582. In addition, this request includes costs for normal operating expenses of \$42,002. These costs are for fuel, aircraft parts, mandatory FAA flight training, and FAA physicals. The annual budget does not include several time-limited components that may require replacement during FY06.*

*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 this account is \$4,518,866.04, inclusive of items still pending.*

**RECOMMENDATION**

*The City Commission approve the appropriation of \$81,863 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Joint Aviation Unit.*

**Legislative History**

8/18/05	Public Safety Committee	Approved, as shown above
---------	----------------------------	--------------------------

Aviation 05-06 budget attachment.xls  
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## AUDIT & FINANCE COMMITTEE, CONSENT

### 040291

#### Reserve Funds Policies (B)

##### RECOMMENDATION

*The City Commission approve these policies.*

##### Legislative History

8/5/04	City Commission	Referred (7 - 0)	Audit and Finance Committee
11/1/04	Audit and Finance Committee	Recommended for Approval	
1/31/05	Audit and Finance Committee	Heard	
2/21/05	Audit and Finance Committee	Continued	
3/21/05	Audit and Finance Committee	Heard	
6/6/05	Audit and Finance Committee	Heard	
6/16/05	Audit and Finance Committee	Heard	
8/30/05	Audit and Finance Committee	Recommended for Approval	

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### 050334

#### Fiscal Year 2005 Operating Funds Quarterly Monitoring Report - Quarter Ending June 30, 2005 (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 the quarterly budget monitoring report for the quarter ended June 30, 2005.*

##### Legislative History

8/30/05	Audit and Finance Committee	Recommended for Approval	
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### 050335

#### GRU Quarterly Financial Report (B)

**RECOMMENDATION**

*The City Commission receive the GRU Quarterly Financial Report as of June 30, 2005.*

**Legislative History**

8/30/05      Audit and Finance      Recommended for Approval  
   Committee

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**050336****Review of Internet Access (B)**

*Explanation: In accordance with our Fiscal Year 2005 Annual Audit Plan, we have completed a review of internet access. Our report and the Interim City Manager's and General Manager's responses are attached.*

**RECOMMENDATION**

*The Audit and Finance Committee recommend that the City Commission: 1) Accept the City Auditor's report and the Interim City Manager's and General Manager's responses; 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**

8/30/05      Audit and Finance      Recommended for Approval  
   Committee

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**050337****Review of the Dissolution of United Gainesville Community Development Corporation (B)**

*Explanation: On April 11, 2005, the City Commission heard a report from management on the status of the Porter's Community Center and approved the Interim City Manager's recommendation to:*

- 1) Appropriate \$105,000 of Recreation Department General Fund monies recently reimbursed by grant revenues to pay the costs associated with satisfying the mortgage on the property and reimburse to the Recreation Department the portion of these expenditures that can subsequently be secured from HUD funding;*
- 2) Approve the payment for satisfaction of the mortgage; and*
- 3) Authorize the Interim City Manager to execute any documents necessary and to file the satisfaction of mortgage with the Clerk of the Court, subject to approval by the City Attorney as to form and legality.*

*The City Commission also directed the City Auditor and the City Attorney to provide a report to the City Commission detailing what transpired regarding the Porter's Community Center and to determine if there were any violations of*

law, including any actionable items.

*With the assistance from the City Attorney's Office, we have completed a review of the issues related to the dissolution of United Gainesville Community Development Corporation and prepared the attached report.*

**RECOMMENDATION**

*The City Commission: 1) Accept the City Auditor's report; 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**

8/30/05      Audit and Finance      Recommended for Approval  
    Committee  
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**050339**

**Financial Risk Management Discussion - Gainesville Regional Utilities (B)**

*Explanation: This item is related to File #040291 - Reserve Fund Policies (Referral of August 5, 2004).*

**RECOMMENDATION**

*The City Commission receive the GRU Financial Risk Management Discussion Report.*

**Legislative History**

8/30/05      Audit and Finance      Recommended for Approval  
    Committee  
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**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****050375****National League of Cities Meeting (B)****RECOMMENDATION**

*The City Commission appoint a voting delegate and alternates as appropriate.*

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**050376****City Commission Meetings (NB)****RECOMMENDATION**

*The City Commission schedule meetings as follows:*

*City Commission Meeting - University of Florida  
Student Senate;*

*September 20 @ 6:00 pm or September 27 @ 6:00 pm  
- U of F Reitz Union*

*Joint City/Alachua County Commission Meeting -  
Homelessness Ten Year Plan; December 15 @ 6:00  
pm - Jack Durrance Auditorium*

**CITY MANAGER****050363****ARTSREACH Exhibits (NB)**

*Explanation: Art in City Hall features a two-person exhibition titled: "DANCE ALIVE! in Gainesville." On display will be photographs by Sam Johnston Photography and paintings by C.S.W. Rand. The sponsor is Xerographic Copy Center. The show runs through November 25, 2005.*

*Art in the County Administration Building features a two-person exhibition titled: "The Spirit of Vision" featuring quilts by Gloria Compstock and photographs by Jim Santangelo. The local business sponsor is Creative Workshop. The show runs through November 25, 2005.*

*Art in the Airport features Raymond Waddey's paintings in a show titled: "Mastery of Aviation Artistry." The local business sponsors are: Nationwide Insurance and The Crom Corporation. The show runs through November 25,*

2005.

*For a glimpse of the entire ARTSREACH 2004-2005 Exhibition Schedule with images for each show, go to: [www.gvlculturalaffairs.org](http://www.gvlculturalaffairs.org). Click on Programs/Events, go to ARTSREACH and go to 2004-2005 Exhibition Schedule.*

*Fiscal Note: Expenses for these exhibitions are funded from the sponsors and the Department of Cultural Affairs fund account.*

**RECOMMENDATION**

*The City Commission hear a brief presentation by Donna Born Drake, ARTSREACH Coordinator for the Department of Cultural Affairs.*

**050364**

**Proposed Fall 2005 Bond Issue (NB)**

*Explanation: During the August 15, 2005 budget workshop, the City Commission discussed the prospect of a Fall 2005 General Government bond issue to address capital improvement needs. Funds to pay the associated debt service costs on the issue were identified from:*

- \* Rolling fire hydrant expense into water base rates, resulting in expenditure savings of approximately \$1,040,000 per year*
- \* Implementing a natural gas surcharge in the unincorporated area, generating annual revenues of approximately \$340,000*
- \* Other General Fund expense reductions of approximately \$120,000 per year*

*At today's yields, this \$1,500,000 in annual funding would provide debt service on a twenty-year financing that would generate proceeds of approximately \$20,220,000 after issuance costs.*

*At the workshop the Commission identified several potential capital projects for funding through the proposed issue:*

- \* Traffic signal upgrade - up to \$13 million*
- \* Improvements to existing recreation facilities - up to \$13M*
- \* Southeast Gainesville Renaissance Initiative land assembly - \$2.8M*
- \* Fire Department capital improvements related to the City's ISO rating*

*Subsequent to the budget workshop, two other projects have been identified for potential inclusion in the proposed bond issue. First, GPD has identified a funding need associated with the GPD headquarter expansion project. This phase of the project involves construction of a building to house training classrooms, offices, public mediation and community resource rooms, and a new community/citizen general meeting room. They estimate the cost of the construction at approximately \$2,500,000. At current rates, this will add almost \$181,000 per year to the debt service cost of the proposed twenty-year issue. GPD proposes to fund this incremental cost through personal services reductions.*

*The second project is related to the \$50,000 annual appropriation to the*



*Economic Development Department for industrial land assembly and/or GTEC building expansion. The annual appropriation of this amount, while beneficial, will provide only for smaller scope projects in the short term. Utilizing this \$50,000 for annual debt service expense on a twenty-year issue will provide approximately \$685,000 in bond proceeds to accelerate the pace of these projects.*

*Fiscal Note: Funds to cover the debt service associated with the issue are available through the expenditure reductions and revenue increases cited above.*

**RECOMMENDATION**

*The City Commission: 1) hear a presentation from staff on the proposed bond issue; 2) determine the issue size and project categories to be incorporated in the borrowing; and 3) authorize the City Manager, Administrative Services Director, and Finance Director to retain the required professional services and to take other actions necessary to implement this issue.*

**050298**

**Update on Informal Negotiations for Modification of Urban Reserve Area (NB)**

*Explanation: On June 28, 2005, the Alachua County Board of County Commissioners held a public hearing to address the 5-year update of the urban reserve areas for the municipalities in Alachua County. The County staff presented the recommended changes to the reserve areas submitted by each municipality, and the County staff's proposed modifications to urban reserve areas. In addition, each municipality made statements in regards to requests for changes in the urban reserve areas. It was determined that there still existed some areas of conflict between the municipalities, and/or the County staff's proposal.*

*A provision in the Boundary Adjustment Act allows for a 120-day informal negotiation period to resolve any remaining conflicts. The County Commission asked the County staff and the municipalities to use the 120 day period, which expires on October 26, 2005, to continue to work on resolutions to the areas of conflict.*

*Since the July 28th public hearing, City staff, along with the City Attorney's Office, has been working with the municipalities affected by Gainesville's proposed urban reserve expansion in an attempt to resolve any remaining conflicts.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) hear an update from staff on the informal negotiations with the affected municipalities and the County; and 2) if determined, take any action deemed necessary.*

**Legislative History**

8/22/05 City Commission Withdrawn  
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## GENERAL MANAGER FOR UTILITIES

### 050383

#### **Compliance with new USEPA air emission requirements (B)**

*Explanation:* On April 25 the Commission received a presentation from staff on new USEPA regulations. These regulations set new emission limitations on NOX, SO2, and Mercury applicable to the Deerhaven power plant. The options for complying with the regulations were reviewed at that time. At a special Commission meeting on May 12, 2005, the costs and effects on ratepayers of these alternatives were discussed in more detail, and the Commission authorized staff to proceed with a project to add additional emission control equipment to the plant.

Since that time staff has been evaluating the applicable technologies and approaches to meet the new USEPA requirements in detail. As a result, staff is proceeding toward what is commonly called a design/build approach. The design/build process provides project performance and design requirements, and teams of designers, equipment vendors, and construction contractors bid on the entire project at one time, with performance guarantees being one of the evaluation criteria. Having a team that integrates final design, procurement, and turnkey construction within a single contract usually results in overall lower costs and better performance guarantees.

The status report will outline the process in more detail as well as describe the project milestones which will involve the Commission.

#### RECOMMENDATION

The City Commission receive a status report from staff on the project to modify Deerhaven 2 to meet the 2005 Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule (CAMR).

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## CITY ATTORNEY

### 050373

#### **EARLY VOTING (B)**

*Explanation:* Florida Law requires early voting be made available in State elections, which consist of primary elections, special primary elections, special elections, general elections, and presidential preference primary elections. Municipal elections are not included in the list of elections for which early voting is mandatory. Recently, the legislature provided that "municipalities may provide early voting in municipal elections that are not held in conjunction with county or state elections". It is up to the individual municipalities to decide whether

they will provide for early voting and for what period of time.

Absentee voting already provides for voting before the actual election day. Currently, voters may vote absentee prior to and on the actual election day. Voters may request absentee ballots be mailed to them each year, or may, at any time the ballots are ready, go to the Supervisor's office, request an absentee ballot and vote at that time.

The City Commission must decide if the City should also permit early voting as to its elections in the Spring of each year. It is the recommendation of the Supervisor of Elections and the City Attorney, that if the City Commission does conduct early voting, it do so under the following conditions: 1) apply only to regular elections, not for special elections; 2) last for a period of seven days before the first election and for seven days before the runoff election if one is held; and 3) early voting be conducted only at the Office of the Supervisor of Elections. This time period would not apply when the City election is held in conjunction with a federal, State or countywide election where the early voting provisions are provided for by State law.

For your information, the Supervisor of Elections provided for early voting for the first time at the municipal election in Spring 2005. In the regular election there were 1,323 absentee voters and 515 early voters. In the runoff election there were 395 absentee voters and 175 early voters.

*Fiscal Note: Estimated fiscal impact: \$4,000.*

**RECOMMENDATION**

*The City Commission decide whether to provide for early voting in municipal elections, and, if provided for, authorize the City Attorney to draft, and the Clerk of the Commission to advertise the proposed ordinance.*

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**050389**

**BOARD OF ADJUSTMENT (B)**

**RECOMMENDATION**

*The City Commission hear a report from the City Attorney.*

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**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

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

**OUTSIDE AGENCIES**

**050378**

**Kennedy Homes (NB)**

**RECOMMENDATION**

*The City Commission hear a presentation from  
Vanessa Anthony.*

**MEMBERS OF THE CITY COMMISSION****050385 Mayor Pegeen Hanrahan - Scheduling and Protocols (B)**

**RECOMMENDATION**            *The City Commission discuss meeting scheduling and protocols.*

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**050386 Mayor Pegeen Hanrahan - Establishment of Arts Ambassador Program for the City of Gainesville (NB)**

**RECOMMENDATION**            *The City Commission designate DANCE ALIVE! as an official Arts Ambassador of the city, and refer the development of standards of the "Arts Ambassador Program" to the Recreation and Cultural Affairs Committee so that other arts and/or civic groups and organizations may request this designation.*

**050388 Mayor Pegeen Hanrahan - Land Conservation Board (B)**

**RECOMMENDATION**            *The City Commission consider authorizing the Mayor to write a letter of support for the Land Conservation Board's consideration of the Hartman Property for acquisition funding via Alachua County Forever.*

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**COMMISSION COMMENTS (if time available)****CITIZEN COMMENT****COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****050377 Mr. Paper Business Office Supply Appreciation Day 2005 - September 12, 2005 (B)**

**RECOMMENDATION**

*Mr. Paper Office Supply President Mr. Shane Roach to accept the proclamation.*

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**PUBLIC HEARINGS**

**NOTE: THESE RESOLUTIONS TO BE HEARD AS CLOSE TO 6:00 PM AS POSSIBLE.**

**050370****PROPOSED MILLAGE RATE - FY 2006(B)**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2005-2006 FISCAL YEAR; ESTABLISHING A PROPOSED MILLAGE RATE; SETTING A PUBLIC HEARING; PROVIDING FOR THE PUBLICATION OF NOTICE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

*Explanation: The City Commission is required by Florida Law to adopt a final millage rate to fund the budget for FY 2005-2006.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

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**050371****GENERAL GOVERNMENT BUDGET - FY 2006 (B)**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006; ADOPTING AN AMENDED TENTATIVE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

*Explanation: The proposed tentative General Government Budget for Fiscal Year 2005-2006 as set forth in the Adopted Financial and Operating Plan - Budget by Funds is hereby submitted as prepared by the Office of Management and Budget (O.M.B.).*

*The Budget will be presented for further consideration at a public hearing to be held on September 26, 2005 in conjunction with the approval of a millage rate to fund said budget.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

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**050372****GAINESVILLE REGIONAL UTILITIES BUDGET - FY 2006 (B)**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006; PROJECTING REVENUES AND ADOPTING A BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**

*Explanation: The proposed resolution which adopts a budget for the City of Gainesville Regional Utilities for the fiscal year beginning October 1, 2005 and ending September 30, 2006, to pay for personal service expenses, operating and maintenance expenses and other expenses, for capital outlay and for debt service requirements is submitted for adoption by the City Commission.*

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

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**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****050374****APPENDIX A - UTILITIES - WATER RATES (B)****Ordinance No. 0-05-84**

**An Ordinance amending Appendix A, Section UTILITIES (3) Water, Gainesville Code of Ordinances; By Increasing Water Base Rates, Customer Charges and Water Connection Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.**

*Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase water base rates and water connection charges. The change in connection charges varies by meter size with an overall increase in water connection charge revenue at the same rate presented to the City Commission in the 2003 budget. Both changes will be effective October 1, 2005. Even with these changes, GRU's monthly rates and connection charges remain among the lowest in the state.*

*At the August 15, 2005 City Commission meeting, the City Commission directed that the costs for public fire support in the form of fire hydrants that are installed, maintained and supported by the City, be incorporated into the water*

rates. This ordinance distributes the costs amongst all gallons of water consumed by all retail customers. GRU will then no longer bill Alachua County for fire hydrants in the unincorporated areas.

The proposed ordinance No. 0-05-84 amending Appendix A, Section Utilities (3) Water of the Gainesville Code of Ordinances has been amended for the second reading. Section (1)(k) corrects an error in the calculation of the Monthly Charges for water connection installment payments.

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

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## 050326

### APPENDIX A - UTILITIES - WASTEWATER RATES (B)

#### Ordinance No. 0-05-85

**An Ordinance amending Appendix A, Section UTILITIES (4) Sewerage, Gainesville Code of Ordinances; By Increasing Wastewater Base Rates, Customer Charges and Wastewater Connection Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.**

*Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase wastewater base rates wastewater connection charges. The change in connection charges varies by meter size with an overall increase in wastewater connection charge revenue at the same rate presented to the City Commission in the 2003 budget. Both changes will be effective October 1, 2005. Even with these changes, GRU's monthly rates and connection charges remain among the lowest in the state.*

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

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## 050327

### APPENDIX A - UTILITIES - ELECTRIC RATES (B)

#### Ordinance No. 0-05-86

**An Ordinance amending Appendix A, Section UTILITIES (1) Electricity, Gainesville Code of Ordinances; By Increasing Electric Base Rates and Customer Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.**

*Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase electric base rates. The customer charge will increase by 5% for all customer classes. In the residential class, the second tier (above 750 kWh per month) energy charge will increase from 5.6¢ to 6.0¢ per kWh. In the General Service Non-Demand class, the second tier*



(above 1500 kWh per month) energy charge will increase from 5.8¢ to 6.1¢ per kWh. The first tier for these two classes, Residential and General Service Non-Demand, will remain unchanged. The demand charge will increase for the General Service Demand and Large Power customers by \$0.58 per kW and \$.60 per kW, respectively. The energy charge for these two classes will remain unchanged. These changes will be effective October 1, 2005. Even with these changes, GRU's monthly rates remain below median in the state.

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

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## **050328**

### **CHAPTER 27 - UTILITIES - NATURAL GAS SURCHARGE (B)**

#### **Ordinance No. 0-05-87**

**An Ordinance Creating Section 27-272.1 of Chapter 27, UTILITIES Article VI. Natural Gas, Gainesville Code Of Ordinances; By Establishing A Surcharge to Base Rates to Customers Outside the Corporate Limits of the City of Gainesville Equal To The Amount Of The City Utility Tax Charged to Consumers Inside The City Limits; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.**

*Explanation: At the August 15, 2005 City Commission meeting, the City Commission directed that a 10% surcharge be levied on all natural gas sales outside of the city limits of Gainesville. This surcharge will become effective October 1, 2005.*

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

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## **050120**

### **APPENDIX A OF THE CODE OF ORDINANCES - INCREASE OF FEES (B)**

#### **Ordinance No. 0-05-88**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Code of Ordinances, relating to fees; removing fees to Appendix A from section 6-187, certificates for journeymen; section 14.5-63, application for license; application fee, consent by applicant (adult performance and escort services); section 14.5-67, annual license fee for adult performance; section 14.5-69, name change for an adult performance or escort service business; section 14.5-93, application fee and application for escort license fee; section 14.5-96, annual license fee; section 23-105, registration required for communications facilities or other wire line occupants of public rights-of-way; section 27-80, franchise fees; and section 28-5, duration of franchise, annual reports, fees; amending Appendix A to include fees stated in the above-referenced sections of Code and to increase fees in Appendix A by approximately 5% (rounded to the next quarter)**

except fees related to the category of utilities, home occupational permit, and fire rescue and the subcategories of special building inspection and trespass towing fees; amending section 23-105, repealing obsolete sections of Code relating to fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: The City Commission, at its meeting of June 27, 2005, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to remove embedded fees from the text of the Code of Ordinances and place all fees in Appendix A. This change will increase efficiency for the City staff and citizens when ascertaining City fees.*

*Additionally at the July 13, 2005 and August 15, 2005 budget workshops, the City Commission approved a fee increase of 5.0%. The intent of the proposed fee increase is to adjust fees that have not been increased since fiscal year 2004 in order to reflect the increased costs of providing the associated services. Fees that are not subject to this increase include those that were established or updated in fiscal year 2005, including building special inspections, fire rescue, home occupation permits, and trespass towing. Utilities-related fees are not amended in this ordinance. With the approval of the City Manager, and for ease in administering the collection of fees in the field, staff rounded all fee increases to the next quarter value.*

*This ordinance requires two readings. If approved on first reading the second and final reading will be September 26, 2005.*

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

**Legislative History**

6/27/05              City Commission              Approved as Recommended (6 - 0 - 1 Absent)

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**050314**

**NON-AD VALOREM ASSESSMENT FOR SOLID WASTE MANAGEMENT (B)**

**Ordinance No. 0-05-83**

**An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in a non-ad valorem assessment for a municipal service benefit unit created by Alachua County for the provision of solid waste management costs; providing conditions for the consent; providing that the consent is for a one year period; and providing an effective date.**

*Explanation: Passage of an ordinance is necessary to provide consent for all land within the City of Gainesville to be included in a portion of the non-ad valorem assessment for a municipal service benefit unit created by Alachua County. This assessment covers the cost of the Waste Alternatives and Environmental Protection programs and approximately 25% of the Rural Collection Center program. On December 14, 2004, the Alachua County Board of County Commissioners adopted Resolution 04-134, its notice of intent to utilize the uniform method of collecting non-ad valorem assessments for the 2005-2006 fiscal year, including collection of non-ad valorem assessments for solid waste management in the entire county. The proposed ordinance is presented to continue this assessment in the City for the next year. If approved on first reading, the second and final reading will be September 26, 2005. The effective date of this ordinance is October 1, 2005.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

8/22/05 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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**050075****STREET VACATION - PORTION OF S.E. 12TH STREET (B)****Ordinance No. 0-05-80, Petition No. 168SVA-04PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way located in the vicinity of Southeast 12th Street between Southeast 2nd Avenue and Southeast 4th Avenue, as more specifically described in this ordinance; reserving a public utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of July 25, 2005, authorized the City Attorney's Office to draft the proposed ordinance for the vacation of right-of-way.*

**PLANNING STAFF REPORT**

*This is a request by the Public Works Department to vacate right-of-way for the purpose of installing stormwater facilities. The request is to vacate a portion of right-of-way east of Southeast 11th Street (also known as Williston Road and/or Waldo Road) on the south side of the intersection of Southeast 2nd Avenue and Southeast 12th Street. The right-of-way to be vacated is undeveloped, but would have served as the continuation of Southeast 12th Street to the south. Upon vacation of the right-of-way, the City would retain use of the area for stormwater mediation, following street resurfacing planned for the area. The remaining vacated right-of-way will not be used, but a utility easement would*

*be retained over the entire site. The right-of-way is a "paper street," that consists of several trees and other vegetation. It provides no public access and would best be used for stormwater mediation.*

*The Plan Board heard this petition and recommended that it be approved with the staff condition that an easement be retained over the vacated area.*

*Public notice was published in the Gainesville Sun on May 31, 2005. Letters were mailed to surrounding property owners on June 1, 2005. The Plan Board held a public hearing June 16, 2005.*

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

**Legislative History**

7/25/05            City Commission            Approved (Petition) with Staff and Plan Board  
Conditions (6 - 0 - 1 Absent)

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**050297**

**URBAN SERVICES REPORT - BEVILLE-KING PARCELS (B)**

**Ordinance No. 0-05-82**

**An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06706-001-000 through 06706-018-000, 06706-031-000 through 06706-034-000, 06714-000-000, and a portion of 06715-000-000, located generally south of the city limits, west of SW 34th Street and the city limits, north of the vicinity of SW 20th Avenue and east of Tax Parcel 06724-000-000; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.**

*Explanation: The Alachua County Boundary Adjustment Acts requires a municipality to prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to any reserve area to be annexed prior to commencing the annexation procedures under the Act.*

*The report must generally include the following information:*

*1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed.*

*2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what*

*extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;*

*3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:*

*a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.*

*b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.*

*c) if extensions of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.*

*d) set forth the method under which the City plans to finance extension of services into the area to be annexed.*

*If adopted on first reading, this ordinance shall be heard on second reading on September 26, 2005. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.*

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

**Legislative History**

8/22/05            City Commission            Approved as Recommended (5 - 0 - 2 Absent)

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## **ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

### **031014**

### **LAND DEVELOPMENT CODE AMENDMENT - ESTABLISHING THE SPECIAL ENVIRONMENTAL CONCERN AREA REGULATIONS (B)**

**Ordinance No. 0-04-44; Petition 56TCH-04 PB**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, Chapter 30; creating a new section 30-207, entitled Special Environmental Concern Area; establishing overlay district regulations for a Special Environmental Concern Area; 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 October 20, 2003, the City Commission heard a presentation from GRU Senior Environmental Engineer, Brett Goodman, and several other members of the community who are concerned about the impact that contamination may have on the community's water supply. During this meeting, the City Commission directed the City Manager to report on options with respect to the development review process on site and near the site and potential land use changes. On December 12, 2003, City Planning Staff presented to the City Commission the option that the City could establish an overlay district for the area and amend the Land Development Code to codify existing policy for development in the area.*

*The purpose of this petition is to establish an overlay district over a superfund area, in order to ensure that certain procedures are followed during the development review process. This code amendment will establish the process for development approval and identify the area of environmental concern.*

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

*Public notice was published in the Gainesville Sun on March 3, 2004. The Plan Board held a public hearing March 25, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 56TCH-04 PB. Plan Board vote 6-0.*

*On August 22, 2005, the City Commission heard 56TCH-04 PB and adopted this ordinance on first reading. At that time, staff was asked to consult with the County on its consistency with other regulatory items. One suggestion staff has accepted is clarifying that the Occupational Safety and Health Administration (OSHA) will only review a health and safety plan associated with the area. That change has been incorporated in page 2, lines 30-31, of the ordinance.*

**CITY ATTORNEY MEMORANDUM**

*Petition 56TCH-04 PB, as heard by the Plan Board, contained the regulation/requirements for this overlay district, as well as the property to be included in the special area plan. This ordinance, if adopted, states the regulation for the area. A separate ordinance (ordinance 0-05-70) will impose the zoning on the properties to be included in the special area plan. Both ordinances require two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, September 12, 2005.*

**RECOMMENDATION**

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

**Legislative History**

8/22/05 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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**050308**

**ZONING MAP ATLAS AMENDMENT - IMPOSING THE SPECIAL ENVIRONMENTAL CONCERN AREA OVERLAY ON CERTAIN PROPERTY SURROUNDING THE CABOT CARBON/KOPPER'S SITE (B)**

**Ordinance No. 0-05-70**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and imposing the Special Environmental Concern Area overlay on certain property commonly known as the Cabot Carbon/Kopper's site, and that certain area around this site located in the vicinity of NE 9th Street on the east, NW 35th Avenue on the north, NW 6th Street on the west, and NE 21st Avenue on the south, as more specifically described in this ordinance; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: Petition 56TCH-04 PB, as heard by the Plan Board, contains the regulation/requirements for this overlay district, as well as the property to be included in the Special Environmental Concern Area. The purpose of the proposed ordinance is to impose the requirements of the Special Environmental Concern Area overlay (see 56TCH-04PB) on certain property or portions of property described in this ordinance as included in the overlay area. The map has been slightly amended to entirely include most parcels within the overlay area when a portion of the parcel was contained within the overlay. In the case of some very large parcels, the overlay line is drawn at the 500-foot line. In any event, the proposed overlay map is based on the 500 foot buffer area, which was approved by the Plan Board.*

*Both ordinances require two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, September 12, 2005.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

8/22/05 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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050076**LAND DEVELOPMENT CODE AMENDMENT - STORMWATER MANAGEMENT REGULATIONS (B)****Ordinance No. 0-05-75; Petition 82TCH-05 PB**

**An ordinance of the City of Gainesville, Florida, amending subsection (a) of section 30-311 of the Land Development Code, relating to violations, enforcement and penalties pertaining to stormwater management regulations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT*

*This petition proposes amendments to subsection 30-311(a) of the Land Development Code by updating the violations, enforcement and penalty provisions that pertain to stormwater management. Adoption of the proposed changes will facilitate compliance with the City's stormwater management regulations by providing improved code enforcement provisions.*

*Public Works Department staff, Community Development Department staff, and the City Attorney's office drafted the proposed amendments to the current stormwater management ordinance to allow for expanded and improved enforcement options by the City. The proposed enforcement options are similar to those for wetlands and surface waters, and provide for increasing corrective measures depending on the severity and imminence of the violation. Corrective measures could include any or all of the following: issuance of a notice of violation; issuance of a cease and desist order; entering into a consent agreement; and the City seeking injunctive relief.*

*On May 9, 2005, the City Commission removed the item (no. 030126) from the City Attorney's referral list, and referred the proposed changes to the stormwater management ordinance to the City Plan Board for consideration as a petition.*

*The Plan Board heard this petition and recommended that it be approved with a modification that "promptly" be replaced by "immediately" in subsection 30-311(a)(4) for consistency with related provisions.*

*Public notice was published in the Gainesville Sun on June 1, 2005. The Plan Board held a public hearing June 16, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 82TCH-05 PB. Plan Board vote 6-0.*

*CITY ATTORNEY MEMORANDUM*

*This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, September 12, 2005.*



*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

8/22/05 City Commission Approved (Petition) and Adopted on First Reading  
(Ordinance) (6 - 0 - 1 Absent)

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## RESOLUTIONS- ROLL CALL REQUIRED

### 050333

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

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

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

**RECOMMENDATION**

*The City Commission adopt the Third Amendatory Budget Resolution to the FY2005 General Government Financial and Operating Plan budget.*

**Legislative History**

8/30/05 Audit and Finance Committee Recommended for Approval

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### 050365

#### **FDOT Block Grant Funds for Operating Assistance for Regional Transit System for FY 2005-06 (B)**

*Explanation: The Florida Department of Transportation (FDOT) allocates state block grant funds for public transit systems each year. The allocations are based on a three-part formula that includes population, ridership, and vehicle miles operated. For fiscal year 2005-06, Gainesville's allocation is \$1,258,011, which is an increase of \$133,259 from last year's allocation.*

*FDOT requires the governing board of each public transit system authorizing the acceptance of these funds adopt a resolution.*

*Fiscal Note: The Operating Assistance Joint Participation Agreement requires a 50% match. Funds are available in the RTS operating budget.*

**RECOMMENDATION**

*The City Commission: 1) approve the resolution authorizing execution of a joint participation*

agreement with Florida Department of Transportation; and 2) authorize the Mayor and Clerk of the Commission to execute the Resolution.

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## 050366

### **Resolution for Local Agency Program Agreement for the Building Access Improvements on the University of Florida Gainesville main Campus Project and the associated City of Gainesville Interlocal Agreement with the University of Florida (B)**

*Explanation:* The City of Gainesville is a Florida Department of Transportation (FDOT) certified local agency. This allows the City to enter into agreements with FDOT for the City to perform FDOT funded projects. FDOT funding in the amount of approximately \$992,000 is available for the Building Access Improvements on the University of Florida Gainesville Main Campus Project. The University of Florida does not have a mechanism in place to receive the funding directly from the FDOT for this project. The City, through an inter-local agreement with the University of Florida and a Local Agency Program (LAP) project agreement with the FDOT, would have the means to pass through the funding from FDOT to the University of Florida.

*Fiscal Note:* The FDOT project funding would be passed through the City of Gainesville to the University of Florida creating no fiscal impact on the City.

#### **RECOMMENDATION**

*The City Commission: 1) approve the Resolution authorizing execution of a Local Agency Program Agreement with the State of Florida Department of Transportation; and 2) authorize the City Manager to execute the Interlocal Agreement between the City of Gainesville and the University of Florida for Building Access Improvements at the University of Florida.*

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## **PLAN BOARD PETITIONS**

## 050160

### **Rezone Ironwood property to include it within the Significant Ecological Communities Overlay District. Petition 109ZON-05 PB. (B)**

*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 its 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 parcels 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 that apply to those parcels.

The subject property has been deemed "outstanding" by City Nature Operations staff, and is 358 acres in size. The property has split zoning and land use: single-family and industrial.

The Significant Ecological Communities Overlay Zoning District standards would operate in conjunction with underlying zoning district regulations for this property. The regulations of the underlying zoning districts would remain in effect and 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.

Over the course of the next several months, staff will be presenting additional petitions for the Plan Board to consider regarding the remaining parcels that have been ranked "outstanding" or "high" by staff.

The Plan Board heard the petition and recommended that the City Commission approve the petition.

Public notice was published in the Gainesville Sun on July 5, 2005 and August 28, 2005. Letters were mailed to surrounding property owners on July 6, 2005 and August 26, 2005. The Plan Board held a public hearing July 21, 2005.

*Fiscal Note: None*

**RECOMMENDATION**

City Plan Board to City Commission -The City Commission approve Petition 109ZON-05 PB. Plan Board vote 5-0

Staff to Plan Board -Approve Petition 109ZON-05 PB.

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## **DEVELOPMENT REVIEW BOARD PETITIONS**

### **050367**

**(Quasi-Judicial) Design Plat approval of Hampton Lane Subdivision, eight lots on 3.29 acres more or less. Located at 2502 Northwest 16th Avenue. Zoned: RSF-1 (single-family residential, 3.5 du/acre). Petition 99SUB-05DB. (B)**

*Explanation: The Development Review Board (DRB) reviewed a request to approve a design plat of Hampton Lane Subdivision at a public hearing held July 14, 2005. By a vote of 5-1, the Development Review Board approved Petition 99SUB-05DB, with staff conditions.*

*The petitioner is proposing to create eight lots on 3.29 acres more or less, on*

property zoned RSF-1, having an allowable residential density of 3.5 dwelling units (11 lots allowed). The density being proposed is 2.43 dwelling units per acre. The property in question contains a residence, and a garage with second floor space above. Both structures are to be removed as part of this proposed development. In addition, the DRB recommended that a minimum of eight existing or planted shade trees be required per lot. Access to the subdivision is from a 350+ foot long cul-de-sac that will connect to the north side of Northwest 16th Avenue.

The DRB approval was for nine lots. Since the DRB meeting, several neighbors have questioned whether the proposed lots on the cul-de-sac meet the requirement for 85-foot minimum width measured at minimum front setback. The neighbors note that the minimum front setback in the Land Development Code is 20 feet. The City's interpretation for decades has been that the plat can indicate deeper minimum front setbacks on pie-shaped lots and measure the width at that point. The petitioner has resolved the issue by reducing the proposed number of lots from nine to eight and proposing larger (wider) lots.

*Fiscal Note: None*

**RECOMMENDATION**

*Development Review Board to City Commission - The City Commission approve Petition 99SUB-05DB, with staff conditions, and with the modification that a minimum of eight existing or planted shade trees be required per lot.*

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

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**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT - 10:42 PM**