

City of Gainesville

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



Meeting Agenda

February 27, 2006

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

040633

Hogtown Creek Greenway - Phase 1B (Rebid) (B)

This is a request for the City Commission to award the bid for a Multi-purpose Trail Construction of the Hogtown Creek Greenway - Phase 1B section located at the 2700 block between NW 8th and NW 16th Avenues.

Explanation: In fiscal year 2002, \$243,542 was allocated by the City Commission for the development of the second phase of the Hogtown Creek Greenway. On November 25, 2002, the City Commission heard a report from staff on this project; approved the conceptual site plan; and instructed staff to proceed with the development. In July 2003, staff worked with Purchasing to bid out Phase 1B of the project and received two bids from vendors. Both bids were over the City of Gainesville's funding allocation.

On November 12, 2004, the City of Gainesville submitted a grant application with the Department of Environmental Protection - Florida Recreation Development Assistance Program (FRDAP). The intent of this grant application was to provide matching funds for the development of a multipurpose recreational trail located at the 2700 block between NW 8th and NW 16th Avenues of the Hogtown Creek Greenway. The State awarded grant funds totaling \$200,000, with the City of Gainesville providing a match of \$200,000, totaling \$400,000 for the project.

On December 13, 2005, Purchasing solicited bids from prospective vendors for the construction of the Phase 1B portion of the Hogtown Creek Greenway. Of the twenty-eight plan holders, four submitted bids. Two of the four vendors submitted bids within the budgeted allocation with Sutron Corporation coming in with the low bid of \$392,500.00. Based on the State's grant requirement the project must be completed by April 30, 2008.

Fiscal Note: Funds are available in the Hogtown Creek Greenway North Fund (302), of the General Capital Projects Fund.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve award of the bid for the construction of the Phase 1B section of the Hogtown Creek Greenway to Sutron Corporation; and 2) authorize the City Manager or designee to execute all contract documents and issue a purchase order in an amount not to exceed \$392,500.00.

Alternative Recommendation A: The City Commission deny this request for the bid award.

Legislative History

11/8/04 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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050896

Local Preference Ordinance Number 001261 (B)

This item proposes that the Local Preference Ordinance be amended to amend Section 9.

Explanation: The City Commission passed on second reading a Local Preference Ordinance March 29, 2004, which became effective October 1, 2004. The Ordinance provides for a 5% preference to local business' total bid price or 5% of the total points of the total evaluation points. Businesses who request the Local Preference must provide a City of Gainesville Occupational License issued at least six months prior to the bid due date and be zoned for the conduct of such a business. The Ordinance provides for certain exceptions. General Government staff reports for the first six months of the Ordinance (10/01/2004 through 4/01/2005) and second six months (04/01/2005 through 10/01/2005) show no fiscal impact during the first year of the Ordinance. The only impact for GRU occurred in the second six months and was \$19,165. Section 9 of the Ordinance stipulates that the Ordinance shall be deemed repealed March 31, 2006 unless extended by action of the City Commission. An amendment to Ordinance 001261 deleting the sunset and review provisions in Section 9 would allow the Local Preference Ordinance to extend and remain in effect.

Fiscal Note: The future fiscal impact is unknown.

RECOMMENDATION

The City Commission: 1) authorize the City Attorney

to draft an amendment to Ordinance 001261; and 2) direct the City Clerk to advertise the amendment to Ordinance 001261 deleting the sunset and review provisions in Section 9, thereby allowing the Ordinance to extend.

Alternate Recommendation A:

The City Commission authorize the City Attorney to draft an amendment to Ordinance 001261 and direct the City Clerk to advertise the amendment to Ordinance 001261 setting a new repeal date.

Alternate Recommendation B:

The City Commission take no action allowing Ordinance 001261 to repeal March 31, 2006.

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050922

Annual Services Contract for Professional Environmental Services (B)

This item involves a request for the City Commission to authorize contract negotiations with Environmental Consulting & Technology, Inc., and Water and Air Research.

Explanation: On September 12, 2005, the City's Purchasing Department solicited statements of qualifications for professional environmental services. Seven (7) firms submitted responses on October 11, 2005. Staff reviewed the submittals and invited the top four (4) responsive firms to present their qualifications on January 26, 2006. The final ranking of the top four is:

1st - Environmental Consulting & Technology, Inc.

2nd - Water and Air Research

3rd - Jones Edmunds & Associates, Inc.

4th - MACTEC Engineering and Consulting, Inc.

Fiscal Note: Funding sources will be identified as needed through the operating budgets of individual departments or City capital project funds.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the selection of the four (4) most qualified environmental firms in the order of ranking; 2) authorize the City Manager to initiate contract negotiations with Environmental Consulting & Technology, Inc., and Water and Air Research for professional environmental services in accordance with the Consultants' Competitive Negotiations Act (CCNA); and 3) upon successful contract negotiations, authorize the City Manager to execute the contracts and any related documents, including contract amendments and extensions.

Alternative Recommendation A: The City Commission reject the recommended ranking and direct the City Manager to secure the services of individual environmental firms on a project-by-project basis in accordance with CCNA. This would result in project delays as individual qualification based selection processes would be required to meet State Statutes. This would also result in additional administrative costs for both projects and routine tasks.

Alternative Recommendation B: The City Commission reject the recommended ranking and direct the City Manager to initiate a new selection process in an attempt to attract more firms. This action would delay the implementation of an annual environmental services contract, incur administrative costs for repeating the process, would not increase the number of recommended local firms, and may not be successful in attracting additional firms. Most local firms have indicated they have full work loads projected for the next several months.

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050923

Change Order No. 3 for Additional Costs for the West Pond at Depot Park (B)

This item involves a request for the City Commission to approve Change Order No. 3 for additional compensation to Watson Construction Company, Inc. The magnitude and types of contaminants discovered on the project site will require Watson Construction Company, Inc., to incur additional costs in order to accomplish the remediation work.

Explanation: The additional costs are for excavating and handling the coal tar and petroleum contaminants discovered in the project site. This Change Order includes materials, labor, and equipment costs to: 1) excavate and contain approximately 5,590 tons of petroleum contaminated soil and 6,997 tons of coal tar contaminated soil on the project site, and 2) to restore the disturbed excavation areas.

Fiscal Note: The total cost for modifying the current purchase order is \$197,325.30. The City's Stormwater Management Utility Fund (SMUF) and GRU's Gas Utility Fund will share the additional costs as follows: SMUF will fund \$80,762.90, and the Gas Utility will fund \$116,562.40.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the Change Order request for the additional costs for the West Pond at Depot Park project remediation work; and 2) authorize the City Manager to issue a modified purchase order not to exceed \$1,619,567.30, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission reject the Change Order, which will result in insufficient funding for materials, equipment, and labor to complete the necessary remediation work.

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050925

Professional Services Agreement - Rosewood Branch Trash Trap Design (B)

This item involves a request for the City Commission to approve the Professional Water Resource Engineering Services Agreement to provide all professional services necessary for designing, permitting, and preparing bid documents for this water quality improvement facility.

Explanation: The proposed Trash Trap is to capture floating trash and debris that migrates along Rosewood Creek, a tributary of Sweetwater Branch. The facility will be strategically placed and sized to capture large volumes of accumulated trash and debris generated in the urbanized area upstream. The design will also provide adequate access for loaders and trucks for efficient material handling and disposal of trash and debris. The proposed trap concept was adapted to site conditions based on similar facilities developed and refined by the City of Tallahassee, Florida. They have installed four (4) trash traps that are successful in capturing the unwanted trash and debris.

The project is identified in the Sweetwater Branch Watershed Management Plan completed in June 2004.

Fiscal Note: Funding for the Professional Water Resource Engineering Services Agreement in the amount of \$39,975.85 is available in the Stormwater Management Utility Fund (SMUF).

A Section 319 Grant Application was prepared by the Public Works Department and has been awarded to the City of Gainesville by the Florida Department of Environmental Protection for the construction of the Rosewood Branch Trash Trap. This project expense will be funded as part of the City's required Grant Match.

RECOMMENDATION

Recommended Motion: The City Commission approve the Professional Water Resource Engineering Services Agreement with Johnson, Mirmiran & Thompson for designing, permitting, and preparing bid documents for the Rosewood Branch Trash Trap, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission refer the proposed design award for the Rosewood Branch Trash Trap to the Public Works and Environment Committee for review and direction.

Alternative Recommendation B: The City Commission refer the proposed design award for the Rosewood

*Branch trash trap back to the Public Works
Department for review.*

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050961

Victims of Crime Act (VOCA) FY 2006-2007 Grant Application (NB)

This item requests the City Commission approval of a grant application from the U.S. Department of Justice to fund a victim advocate position.

Explanation: The Office of the Attorney General has announced the availability of Victims of Crime (VOCA) grant funds from the U.S. Department of Justice. VOCA grant funds will be awarded by judicial circuit. The purpose of VOCA grant funds is to support the provision of services to victims of crime. These services include the efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after a victimization, assist victims to understand and participate in the criminal justice system and provide victims of crime with a measure of safety and security.

The VOCA grant will fund one victim advocate.

Fiscal Note: The total VOCA award is \$37,334.40 and requires a 20% local match of \$9333.60. VOCA is distributed on a reimbursement basis. The grant match will come from the Federal Law Enforcement Contraband Forfeiture Trust Funds. This is a one year award, however, successful applicants can reapply annually to receive funding to continue and expand their efforts.

RECOMMENDATION

Recommended Motion: 1)The City Commission authorize the City Manager to apply for, accept, and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality, and 2) approve the expenditures as outlined in the approved grant award.

050991

Artists Alliance of North Florida Special Event (B)

This is a request for the City Commission to waive the rental fees for the use of the Thomas Center on April 14th and 15th, 2006 by the Artists Alliance of North Florida.

Explanation: The Artists Alliance of North Florida (AAONF) is producing their Third Invitational Commercial Paint Out, (the largest in the southeastern United States), in the communities of Evinston and Cross Creek from April 7th through the 15th. This event will culminate in a Gala on Friday the 14th and a sale of art work on Saturday the 15th both at the Thomas Center. It is staff's understanding that part of the proceeds from the sale of the Art Work will go to the historic preservation of the Wood and Swink Old Store Post Office in Evinston.

In late June of 2005, the AAONF inquired about using the Thomas Center to host their Friday Night Gala and Saturday Art Sale. At that time staff informed AAONF that established Thomas Center rental guidelines prohibited the co-sponsorship of events relating to fundraisers or social gatherings.

As the Gala and Art Sale fall under the guidelines of a social event and fund raising event, staff discussed possible rental rates with representatives of AAONF. At that time AAONF agreed to the rental of the Center and paid a \$200 non-refundable deposit for the two days.

In their information packet, AAONF states that it planned to pay the Thomas Center rental fee, but that anticipated funding support from Arts Tag and the Convention and Visitors Bureau did not materialize. AAONF is now requesting that the City of Gainesville waive the rental fees for the use of the Thomas Center on April 14th and April 15th.

Although Cultural Affairs staff does not yet have specific information regarding set-up needs from AAONF for the use of the Thomas Center, staff has estimated the rental fee to be \$2,464.07 including tax. These costs include staff time to set up and break down equipment, and clean up after each event.

Fiscal Note: Requiring AAONF to pay the rental fees for the use of the Thomas Center will result in the Division of Cultural Affairs recovering their costs associated with the rental of the building, including staffing costs associated with the set-up, breakdown and cleanup of the event.

RECOMMENDATION

The City Commission use Commission Contingency Funds to pay the rental fee for the two-day use of the Thomas Center by Artists Alliance of North Florida.

Alternative Recommendation A:

Per City Commission policy, the City Commission require Artists Alliance of North Florida to pay the appropriate rental fees for the two-day use of the Thomas Center.

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050994

Annexation of City-owned Parcels adjacent to the Deerhaven Generating Station (B)

This is the submission of petition for voluntary annexation in the area of the Deerhaven Generating Station.

Explanation: The City of Gainesville initiated (5) five real estate transactions that acquired property adjacent to the Deerhaven Generating Station. The first parcel, consisting of 1153 acres, was purchased on November 13, 2001 and the second two parcels consisting 647.43 acres and 476.36 acres were purchased on December 19, 2002. A fourth parcel of 40.80 acres was acquired on February

4, 2003, and an exchange of property already owned by the City of Gainesville with FDOT was completed on December 16, 2005. The properties are located south of sections 13, 14, and 15, Township 9 S and Range 19 E, west of State Road 121, north of the City Limits, and east of US 441. Staff has reviewed the requirements of the Boundary Adjustment Act. This area meets the requirements of the Act and is appropriate for annexation. The parcels are vacant.

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

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

RECOMMENDATION

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

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

050981

Amendments to the Mutual Aid Agreement for Extended Generation Outages (NB)

The Mutual Aid Agreement for Extended Generation Outages is a base load electric generation "self insurance" pool created by municipal and rural co-op utilities to back up critical units, such as our Deerhaven Unit 2. Participants in the plan have agreed to amend the agreement to employ a daily natural gas price index (instead of weekly), and to prohibit changing generation schedules once set while allowing the schedules to be set in a more incremental manner. Further amendments to the agreement are anticipated as well.

Explanation: On August 23, 2002, the Commission authorized the General Manager to execute an agreement with municipal and rural co-operative electric generating utilities in Florida and Georgia, designed to protect each other from the risk associated with extended outages of critical base load generation units. These utilities include the City of Tallahassee, the Florida Municipal Power Agency, the JEA, the City of Lakeland, the Orlando Utilities Commission, the Municipal Electric Authority of Georgia, and the Seminole Electric Cooperative, Inc. This "self insurance" agreement hedges the participants against the extraordinary costs of replacing power needed because of the extended generation outage of a large base load unit. Obtaining this insurance commercially would be cost-prohibitive.

The plan works by each utility designating a base load unit to be covered and the amount of capacity from that unit to be covered. During the 3rd through the 12th month of extended outages for covered base load units, each participant is committed to use part of their reserve margins to replace their prorated share at a price indexed to the delivered cost of natural gas in Florida. The agreement was called upon for the first time during the spring and summer of 2004, on behalf of the City of Tallahassee who lost its largest unit for an extended outage. The agreement worked well, but as a result of that experience, a number of changes have been proposed.

The changes currently being proposed include changing the gas index price from weekly to daily, and clarifying that the import schedule requested by the utility with the outage, once set, is fixed but can be extended and modified for subsequent days. Participants in the agreement are also discussing adding additional qualified units and additional participants. Any expansion of the self-covered pool of generation works to each participant's benefit. Authority for the General Manager or his designee to negotiate and execute amendments to the Mutual Aid Agreement on an ongoing basis is being requested in order to better accommodate these changes.

Fiscal Note: There is no immediate fiscal impact from amending the agreement. If another participating utility's designated unit included in the plan has an extended outage, GRU dedicates some of its reserve capacity to provide energy, and is compensated for energy delivered based on the market cost of natural gas. If Deerhaven 2 has an extended outage, the agreement has the potential to save ratepayers millions of dollars.

RECOMMENDATION

The City Commission authorize the General Manager or his designee to negotiate and execute amendments to the Mutual Aid Agreement for Extended Generation Outages, subject to approval of the City Attorney as to form and legality.

050996

Contract for Temporary Energy Personnel Services (NB)

Staff recommends award of a contract to Precision Resource Company for temporary energy personnel services for the Deerhaven Air Quality Control System Project.

Explanation: On January 5, 2006 the City Commission approved an air quality control system (Project) for installation on Deerhaven Unit 2 to reduce emissions by regulatory deadlines. Staff requires services for the oversight of the project. The services required will assist utility staff with review of Owner's Engineer documents, coordination of activities with the Engineer, Procure, Construct (E.P.C.) firm. Precision Resource Company is a qualified personnel service firm with expertise in energy related projects worldwide. Their staffing includes experienced and knowledgeable personnel who have worked on large scale construction projects. Precision Resource Company's rates are competitive with other firms offering these services.

Fiscal Note: Funds for these services are in the FY 2006 Energy Supply budget and will be requested in future fiscal years.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a contract with Precision Resource Company, as a specified source, for temporary energy personnel services for the Deerhaven Retrofit Project, subject to the approval of the City Attorney as to form and legality, and 2) approve the issuance of a purchase order to Precision Resource Company in an amount not to exceed \$250,000 for FY 2006 and for subsequent years of the contract, subject to the appropriation of funds in each fiscal year.

CITY ATTORNEY, CONSENT AGENDA ITEMS

050967

ALLSTATE INSURANCE COMPANY VS. CITY OF GAINESVILLE, MISTY THOMAS, JOINTLY AND SEVERALLY, ALACHUA COUNTY COURT; CASE NO.: 01-06-SC-464 (B)

Explanation: On or about February 2, 2006, the City Attorney's Office was served with a Notice to Appear for Pre-Trial Conference/Mediation and Complaint by Allstate Insurance Company. Allstate Insurance Company alleges that on September 25, 2004, a vehicle owned by Plaintiff's insured and a RTS vehicle driven by employee Misty Thomas collided. Allstate Insurance Company seeks money damages.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City and former City employee, Misty Thomas, in the case styled Allstate Insurance Company vs. City of Gainesville, Misty Thomas, Jointly and Severally Alachua County Court; Case No.: 01-06-SC-464.

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050969

AUDREY NORTON, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ANDRE CHRISTOPHER NORTON VS. THE CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-06-CA-0120 (B)

Explanation: On February 6, 2006, the City of Gainesville was served with a summons and complaint by Audrey Norton, as personal representative of the estate of Andre Christopher Norton. On January 16, 2004 Andre Christopher Norton, a minor, was a passenger in a vehicle driven by his grandmother, Christine Booth. The vehicle driven by Ms. Booth collided with a GPD vehicle driven by a GPD officer. Andre Christopher Norton subsequently died. The Complaint alleges

negligence on the part of the GPD officer. The estate seeks money damages from the City.

RECOMMENDATION

The City Commission authorize the City Attorney, and special counsel if insurance coverage is available, to represent the City in the case styled Audrey Norton, as Personal Representative of the Estate of Andre Christopher Norton vs. the City of Gainesville; Alachua County Circuit Court; Case No.: 01-06-CA-0120.

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050976

MATT MILLER AND HIS WIFE, LYDIA MILLER vs. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT CASE NO. 01-05-CA-800 (B)

Explanation: On June 23, 2002, Matt Miller was injured while using the swings at Northeast Park with his children. Mr. Miller was swinging on a City-installed and maintained belt swing when the seat of the swing unexpectedly disconnected from the chain, resulting in Mr. Miller falling to the ground and sustaining injuries. The belt seat was attached to two chains by S-hooks. The chains did not break, yet a chain apparently became separated from the seat on one side. The S-hooks were initially connected to the belt seat and chains by a City employee, and inspected once a week to ensure that the swing was in proper working order. Mr. Miller alleged that the S-hook must have been opened wide enough to allow the chain to pass through. Therefore, Mr. Miller alleged, the fall was caused by the City's negligent maintenance and/or inspection of the swing, and failure to warn of dangers attendant to playing on the swing. Plaintiff Lydia Miller asserted a consortium claim resulting from the same incident.

Subsequent to the accident, Mr. Miller received emergency medical attention for injuries to his back and hands, and, ultimately underwent surgery. He suffered a compression fracture of his T-12 vertebra that, according his doctors, may require additional surgery. He has been prescribed medications and periodic epidural injections to manage the pain associated with his injuries. Mr. Miller claimed past medical bills in excess of \$19,500.00 related to injuries incurred in the accident. The potential future surgery is expected to cost approximately \$30,000.00 to \$35,000.00, plus other possible future medical expenses. At the time of the accident, Mr. Miller was a 39-year-old computer services employee of Shands Hospital, husband, and father of three children. In February 2005, Mr. Miller filed suit against the City of Gainesville. The Millers initially demanded payment of \$150,000.00.

Mr. and Ms. Miller, their attorneys, and representatives for the City negotiated a settlement pursuant to Court-ordered mediation in the amount of \$59,000.00. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

As a postscript to the above information, it should be noted that the City no longer uses S-hooks to connect the belt swings in City parks. The City has

switched to clevis-hangers in hopes of providing durable, tamper-resistant, secure swingset connections.

Fiscal Impact: Funds are available in the City's General Insurance Fund.

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Matt Miller and his wife, Lydia Miller vs. City of Gainesville, Alachua County Circuit Court Case No.: 01-05-CA-800, on behalf of the City.

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050977

CARLTON L. THOMAS V. CITY OF GAINESVILLE AND BARRY M. KAYS; ALACHUA COUNTY CIRCUIT COURT CASE NO. 01-05-CA-677 (B)

Explanation: On November 22, 2002, Carlton L. Thomas was involved in an automobile accident with a Gainesville Police Department vehicle on NW 12th Street near its intersection with NW 7th Avenue in the City of Gainesville, Florida. Immediately prior to the accident, Mr. Thomas' vehicle was stopped at the westbound stop sign on NW 7th Avenue at the intersection with NW 12th Street, and the GPD vehicle stopped behind him. Both vehicles proceeded to turn left onto NW 12th Street. However, shortly after turning, Mr. Thomas' vehicle slowed or came to a stop, and the GPD vehicle collided with him from behind. The GPD officer was issued a traffic citation for failure to use due care.

Subsequent to the accident, Mr. Thomas sought medical attention for back, and neck injuries. Mr. Thomas claimed medical bills totaling \$21,673.60 related to injuries incurred in the accident, and additional sums due to lost wages and pain and suffering. At the time of the accident, Mr. Thomas was 40 years old, and employed as an auto detailer in the service department of Taylor Volvo. Mr. Thomas' chiropractor and medical doctor assigned impairment ratings ranging from 4 to 12.5% of the whole body.

In February 2005, Mr. Thomas filed suit against the City of Gainesville and the individual officer involved in the accident. Since the officer was acting in the course and scope of his employment at the time of the accident, the City Commission authorized the City Attorney's Office to represent both the City and the officer. Upon a motion filed by the City Attorney's Office, the Court granted summary judgment in favor of the officer, and the case against him was dismissed. Mr. Thomas persisted in his claim against the City, though, and initially demanded payment of \$80,000.00.

Mr. Thomas, his attorney, and representatives for the City negotiated a settlement at Court-ordered mediation in the amount of \$27,500.00. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

Fiscal Impact: Funds are available in the City's General Insurance Fund.

RECOMMENDATION

The City Commission 1) approve the terms of the

mediated settlement; and 2) authorize the City Attorney to settle the claim of Carlton L. Thomas v. City of Gainesville and Barry M. Kays; Alachua County Circuit Court Case No. 01-05-CA-677 on behalf of the City.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

050962

Resignation of City Beautification Board Member Jerry Rose (B)

RECOMMENDATION

The City Commission accept the resignation of Jerry Rose from the City Beautification Board effective immediately.

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050992

Resignation of Citizens Advisory Committee for Community Development Member Kelley Frohlich (B)

RECOMMENDATION

The City Commission accept the resignation of Kelley Frohlich from the Citizens Advisory Committee for Community Development effective immediately.

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050990

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of February 13, February 15, and February 20, as circulated.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

AUDIT & FINANCE COMMITTEE, CONSENT

050955

Review of the Gainesville Regional Utilities Purchasing Card Program (B)

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

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

RECOMMENDATION

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

Legislative History

2/20/06 Audit and Finance Recommended for Approval
Committee

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050957**Quarterly Financial Report - Gainesville Regional Utilities (B)****RECOMMENDATION**

The City Commission receive the GRU Quarterly Financial Report as of December 31, 2005.

Legislative History

2/20/06 Audit and Finance Recommended for Approval
Committee

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050958**Fiscal Year 2006 Operating Funds Quarterly Monitoring Report - Quarter Ending December 31, 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 December 31, 2005.

Legislative History

2/20/06 Audit and Finance Recommended for Approval
Committee

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050956**External Quality Review of the City Auditor's Office for the period October 1, 2002 through September 30, 2005 (B)**

Explanation: The City Auditor's Office conducts all audits in accordance with Government Auditing Standards, 2003 Revision, issued by the Comptroller General of the United States. These standards are broad statements of auditors' responsibilities and provide an overall framework for ensuring that auditors have the competence, integrity, objectivity and independence in planning, conducting and reporting on their work. In order to maintain compliance with Government Auditing Standards, the City Auditor's Office is required to undergo an external quality assurance review every three years.

The National Association of Local Government Auditors (N.A.L.G.A.) has an established peer review program intended to assist member organizations in their efforts to comply with Government Auditing Standards. N.A.L.G.A. assigned Gary Chapman, Auditor from the City of Tampa, Florida and Scott Craig, Senior Assistant Internal Auditor from the City of West Palm Beach, Florida to conduct an external quality review of the City Auditor's Office. The review team began their work in November 2005, reviewing the operating policies and procedures of the City Auditor's Office and relevant background information. During the week of December 5th, 2005, the team conducted a site visit in Gainesville, examining the internal quality control system and a sample of audit reports, including the audit workpapers supporting the reports, issued by the City Auditor's Office.

The primary objective of the examination was to determine whether audit work performed by the City Auditor's Office during the three year period from October 2002 through September 2005 complied with Government Auditing Standards issued by the Comptroller General of the United States. We are pleased to report that the review team found that the City Auditor's system of internal quality control was suitably designed and provided reasonable assurance that applicable government auditing standards were followed in audit work performed. The team also concluded that the City Auditor's quality controls were working effectively and that audits were conducted in conformance with applicable standards during the period under review.

The reviewers also issued a companion letter with their report, offering several observations in which they believe the City Auditor's Office excels and providing a suggestion to enhance our demonstrated adherence to government auditing standards, further strengthening the internal quality control system of the City Auditor's Office and increasing its value to the City of Gainesville. Both reports and a written response to their recommendation for improvement are attached.

RECOMMENDATION *The City Commission accept the External Quality Review report prepared by the N.A.L.G.A. Review Team and the City Auditor's Response.*

Legislative History

2/20/06 Audit and Finance Committee Recommended for Approval

050956_20060220External Quality Review.pdf

PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

050830

Restructuring of Recreation and Parks Department (B)

As per the City Manager's recommendation, the Recreation and Parks Department is being restructured to include programs of the Cultural Affairs Department and has been re-titled to Parks, Recreation and Cultural Affairs Department.

Explanation: After evaluating the organization's strengths and strategic needs, the City Manager announced an organizational restructuring in a memo to the Mayor and members of the City Commission dated October 13, 2005. As part of the restructuring, several departments have a change in focus. The Recreation and Parks Department is being restructured to include programs of the Cultural Affairs Department and has been re-titled the Parks, Recreation and Cultural Affairs Department. Therefore, the job description of the Recreation and Parks Director has been modified to Director of Parks, Recreation and Cultural Affairs and includes the duties and responsibilities of Cultural Affairs. The current Pay Grade is EXM \$71,734.47 - \$85,184.69 - \$98,634.90. With the additional duties and responsibilities, the Pay Grade will be EXN \$78,109.58 - \$92,851.31 - \$107,512.04, and therefore staff is recommending a ten percent (10%) increase in pay for the Director of Parks, Recreation and Cultural Affairs.

Fiscal Note: The approximate annual fiscal impact is \$8,750. Funds are available in the Parks, Recreation and Cultural Affairs Department personnel services budget.

RECOMMENDATION

The Personnel and Organizational Structure Committee recommends the City Commission approve the Pay Grade of EXN \$78,109.58 - \$92,851.31 - \$107,512.04 with a ten percent (10%) increase in pay for the Director of Parks, Recreation and Cultural Affairs.

Legislative History

1/17/06	Personnel and Organizational Structure Committee	Approved as Recommended
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050831

Restructuring the Fleet Management Department (B)

The Fleet Management Department is being restructured to include the program of the Facilities Management Department as well as responsibilities for construction of vertical capital projects and has been re-titled the General Services Department.

Explanation: After evaluating the organization's strengths and strategic needs, the City Manager announced an organizational restructuring in a memo to the Mayor and members of the City Commission dated October 13, 2005. As part of the restructuring, several departments have a change in focus. The Fleet Management Department is being restructured to include programs of the Facilities Management Department as well as responsibilities for construction of vertical capital projects and has been re-titled the General Services Department. Therefore, an archived job description, Director of General Services, was retrieved, updated and revised to include all the additional duties. The duties and responsibilities include the responsibilities of overseeing Fleet Management, Facilities Management and construction of vertical capital projects. The current pay grade of the Fleet Manager is EXM \$71,734.47 - \$85,184.69 - \$98,634.90. With the additional duties and responsibilities, the appropriate pay grade for the General Services Director should be EXN \$78,191 - \$92,851 - \$107,512. In recognition of the additional duties and responsibilities, staff is recommending a ten percent (10%) increase in pay for the Director of General Services.

Fiscal Note: The approximate annual fiscal impact is \$9,800. Funds are available in the General Services Department personnel services budget.

RECOMMENDATION

The Personnel and Organizational Structure Committee recommends the City Commission approve the Pay Grade EXN \$78,191 - \$92,851 - \$107,512 with a ten percent (10%) increase in pay for the Director of General Services.

Legislative History

1/17/06	Personnel and Organizational Structure Committee	Approved as Recommended
	050831_200602271300.pdf	
	050831a_200602271300.pdf	

050832

Reclassification of one Mosquito Control/Stormwater Services Technician to a new position of Stormwater Services Coordinator in Public Works (B)

The Public Works Department is requesting a Mosquito Control/Stormwater Technician position be reclassified to a new position of a Stormwater Services Coordinator as this position has grown beyond its duties of Mosquito Control/Stormwater Technician.

Explanation: The Public Works Department requested a job audit on a Mosquito Control/Stormwater Services Technician position. The job duties of this position have grown beyond those of a Mosquito Control/Stormwater Services Technician. An audit was conducted and found that the incumbent's duties are significantly different from that of the Mosquito Control/Stormwater Services Technician. The incumbent's current duties encompass inspection of stormwater systems to ensure standards are maintained, inspect stormwater treatment facilities for water management compliance, investigate and prepare reports on

specific stormwater problems for decision making purposes, monitor activities of contractors for compliance and recommends and plants proper grasses for stormwater flow and coordinates herbicidal program on all City property. These duties are significantly different from the Mosquito Control/Stormwater Technician classification, which are primarily applying herbicides to control mosquitoes. The Mosquito Control/Stormwater Technician is classified under the CWA pay plan as Pay Grade E (\$26,714.34 - \$29,870.01 - \$33,025.67). The duties being performed by the incumbent are more in line with those in the MAP pay plan at Pay Grade EXE (\$38,583.89 - \$45,818.38 - \$53,052.86).

Fiscal Note: The approximate fiscal impact is \$5,558. Funds are available for this position in the Stormwater Management Utility Fund.

RECOMMENDATION

The Personnel and Organizational Structure Committee recommends the City Commission approve the reclassification of one Mosquito Control/Stormwater Services Technician, CWA Pay Grade E (\$26,714.34 - \$29,870.01 - \$33,025.67) to a new position of Stormwater Services Coordinator MAP Pay Grade EXE (\$38,583.89 - \$53,052.86).

Legislative History

1/17/06	Personnel and Organizational Structure Committee	Approved as Recommended
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050832a_200602271300.pdf

050833

Reclassification of A User Support Analyst Position in the Computer Services Department (B)

The Computer Services Department requested a job audit to be conducted on a User Support Analyst position as the duties and responsibilities have increased beyond the current position.

Explanation: The Computer Services Department requested a job audit to be conducted on the User Support Analyst position as the duties and responsibilities have increased beyond that of the current position. Human Resources conducted a job audit and it was determined that the essential job functions of a User Support Analyst, CWA Pay Grade N (\$50,558.58 to \$62,434.66) assigned to the Computer Services Department have grown beyond those described in the present job description. This position directly supervises, reviews and schedules the assignments of two other User Support Analysts within the department. Other duties include, but are not limited to, audits for compliance, review of hardware and software for compatibility with existing General Government equipment as well as evaluation and recommendation for new purchases. The new duties of this job reflect a more supervisory position and are more in line with an internal technical consultant. The User Support Analyst position is classified under CWA pay plan as Pay Grade N (\$50,558.58 to \$62,434.66). The duties and responsibilities being performed are more consistent with those jobs in MAP Pay Grade EXH (\$47,932.66 - \$65,907.40).

Fiscal Note: The approximate annual fiscal impact is \$2,950. Funds are available in the Computer Services Department budget.

RECOMMENDATION

The Personnel & Organizational Structure Committee recommends the City Commission approve the Reclassification of a User Support Analyst position - CWA Pay Grade N (\$50,558.58 to \$62,434.66) to a new position of User Support Coordinator, (MAP Pay Grade EXH \$47,932.66 - \$65,907.40).

Legislative History

1/17/06 Personnel and Approved as Recommended
 Organizational
 Structure
 Committee

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 050833a_200602271300.pdf

PUBLIC SAFETY COMMITTEE, CONSENT**050865****Federal LECFTF Funding for the FALCON Compatible Automated Fingerprint Identification System Equipment and Training (B)**

This item requests that the City Commission appropriate and expend funds from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of a fingerprint station, related equipment and training.

Explanation: The requested equipment will be utilized during police criminal investigations for remotely searching latents lifted from various crime scenes against the Florida Department of Law Enforcement's criminal database of arrestees throughout the entire state of Florida. This new AFIS (Automated Fingerprint Identification System) will replace the current equipment that will not be compatible with FDLE's FALCON system in the near future. The technology of this equipment will help identify potential suspects and aid department members in investigating various criminal activity. The expenditure request includes the Motorola Printrak Latent Station, all software components for the station, conversion software, freight, installation and a 1-year warranty. The cost for the equipment is \$88,060. The request also includes a two-day training session for \$7,000 for the fingerprint examiners. The expenditure total for this request is \$95,060. This is a sole source item from Motorola, since no other usable/compatible system is available.

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 \$4,463,012.59.

RECOMMENDATION

The City Commission approve the appropriation and expenditure of \$95,060 from the Federal Law Enforcement Contraband Forfeiture Trust Fund, and

the issuance of a Purchase Order for the same amount to Motorola, Inc. for the AFIS FALCON Motorola Printrak Latent Station, components to the station, and the two-day training session for latent finger print examiners.

Alternative Recommendation A: The City Commission decline the appropriation and advise staff to not fund the request. There is no fiscal impact.

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

Legislative History

2/16/06 Public Safety Recommended for Approval
 Committee
 050865_200602161330.pdf

050885

LECFTF Funding for Santa Fe Community College (SFCC) and COPS Minority Scholarships (NB)

This item requests that the City Commission appropriate and expend funds from the Federal Law Enforcement Contraband Forfeiture Trust Fund for endowment of a minority scholarship program.

Explanation: A mainstay of GPD's crime prevention strategy, within the context of Community Oriented Policing, is the provision of minority scholarships for at-risk residents, as well as Police Explorers and Police Cadets. As a complement to our numerous outreach programs, personnel of GPD seek to identify academically disadvantaged minority youth at the elementary and secondary school level for enrollment within established tutorial programs and older residents for possible selection for college scholarships, which have been earmarked for this purpose.

Once selected, the Cadet level individuals are offered scholarships under the conditions that while enrolled in college, they will:

- 1) Participate in youth crime prevention programs, assisting GPD officers in role-modeling behavior, establishment of youth Neighborhood Crime Watch programs, and other police-sponsored activities.*
- 2) Serve as an intern in various components of the Gainesville Police Department and other areas of the Criminal Justice system.*
- 3) Work part-time with the Gainesville Police Department Police Explorers, and serve as mentors.*

Through the Cadet/Minority Scholarship program, the Gainesville Police Department has better opportunities for recruiting minority applicants to become Police Service Technicians or Police Officers, and to assist in providing continuing education to and role models for at-risk residents.

The City has provided \$200,000 to this endowment that was started in 1993. The endowment provides for matching funds under the direction of the SFCC

Minority Board for future, continuous scholarships.

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 this account is \$4,373,002.57. The balance is adjusted to account for pending items.

RECOMMENDATION

The City Commission approve the appropriation and expenditure of \$50,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund to the Santa Fe Community College Endowment Board of Alachua County for the endowment of a minority scholarship program for at-risk residents.

Alternative Recommendation A: The City Commission approve half of the requested amount. The fiscal impact would be \$25,000.

Alternative Recommendation B: The City Commission decline the appropriation and advise staff not to fund the request. There is no fiscal impact.

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

Legislative History

2/16/06	Public Safety Committee	Recommended for Approval
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050895

Gainesville Police Explorer Funding for State Competitions from State LECFTF (NB)

This item requests that the City Commission appropriate and expend funds from the State Law Enforcement Contraband Forfeiture Trust Fund for travel expenses for Gainesville Police Explorer Post 917.

Explanation: Gainesville Police Explorer Post 917 has had a successful program for youth between the ages of 14-20 for the past twenty-six years. The Post currently has 25 members. The Post assists the Department in numerous special events throughout the year to include, but not limited to, parking and pedestrian assistance at the Downtown Arts Festival, 5th Avenue Arts Festival, and the Hoggetowne Medieval Fair.

In appreciation for the Explorer's service to our City and Department, and as a challenge with other Law Enforcement Explorer Posts, the Department would like to offer Post 917 members an opportunity to attend a Florida State competition. The Post has collected corporate sponsorship donations this year, as they have in the past. Total cost for the State competition is approximately

\$4,000.

Fiscal Note: Funds for this expenditure are available in the State Law Enforcement Contraband Forfeiture Trust Fund, and is an allowable expense. The balance in the account is \$18,211.89. The balance is adjusted to account for pending items.

RECOMMENDATION

The City Commission approve the appropriation and expenditure of an amount not to exceed \$4,000.00 from the State Law Enforcement Contraband Forfeiture Trust Fund for travel expenses for Police Explorer Post 917 to be used for them to attend their State competition in 2006.

Alternative Recommendation A: The City Commission approve half of the requested amount. The fiscal impact would be \$2,000.

Alternative Recommendation B: The City Commission decline the appropriation and advise staff not to fund the request. There is not fiscal impact.

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

Legislative History

2/16/06	Public Safety Committee	Recommended for Approval
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050919

Video Equipment Funding for Training for Gainesville Police Department Video Production Personnel (B)

This item requests the City Commission approval of funding from Federal Law Enforcement Contraband Forfeiture Trust funds for Video Equipment Training.

Explanation: The Gainesville Police Department Video Production Unit is an essential part of the police department because it provides timely and consistent training to all departmental employees. By presenting the training in video format, all personnel receive the same information. Using recorded training the instructor is not presented the challenge of attending all training sessions, thereby saving the city money. The unit also records historical events such as Oath of Office, Promotion, and Retirement ceremonies. New and updated training is needed for the Video Production personnel to keep them current with new techniques and technology. Studio601's training proposal is included in the back up, and is the recommended vendor for training the Video Production personnel on the new equipment.

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 \$4,323,002.57 and is adjusted for pending items. No matching funds are required.

RECOMMENDATION

Recommended Motion: The City Commission 1) approve the appropriation and expenditure of \$ 9,500 from Federal Law Enforcement Contraband Forfeiture Trust funds for video equipment training, 2) approve the issuance of a purchase order to Studio 601, Inc. as a source provider, and 3) authorize the City Manager to execute any other necessary documents, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission decline approval of the proposal. There is no fiscal impact.

Alternative Recommendation B: None

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

Legislative History

2/16/06 Public Safety Recommended for Approval
 Committee
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 050919b_200602161330.pdf

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT**041082****Redevelopment (NB)**

The City Commission referred to the Community Development Committee the issue of the historic districts with particular emphasis on the historic districts in Community Redevelopment Areas. The Committee has discussed the referral, and staff and the consultant have completed the updated guidelines.

Explanation: On March 14, 2005, the City Commission referred the issue of revisiting the Historic District policies in the College Park/University Heights area, including coordination with the College Park/University Heights Advisory Board, the Historic Preservation Board and the Fifth Avenue/Pleasant Street Redevelopment Advisory Board. A citizen had expressed a concern about the ability to develop properties within the University Heights Historic Districts.

The City Commission has funded new information and guideline packets for the districts, prepared by a University of Florida preservation consultant, intended to help owners by providing more information, history, background, context information and illustrations about each historic district.

On July 14, 2005, staff reported that the guidelines would be presented to the College Park/University Heights Advisory Board and Historic Preservation Board for their review. On October 16, 2005, D Henrichs, Preservation Planner, reported that the Historic Preservation Board approved the new guidelines, the College Park/University Heights Advisory Board made several recommendations on the guidelines, and the Fifth Avenue/Pleasant Street Advisory Board voted to support the guidelines. The Committee recommended that staff provide a report to the City Commission when the resolutions are ready for adopting the guidelines and to remove the item from the referral list.

Fiscal Note: None

RECOMMENDATION

Community Development Committee to the City Commission: 1) staff provide a report to the City Commission when the resolutions are ready for adopting the guidelines; and 2) remove the item from the referral list.

Legislative History

3/14/05	City Commission	Referred (5 - 1 - 1 Absent)	Community Development Committee
7/14/05	Community Development Committee	Approved as Recommended	
9/15/05	Community Development Committee	Continued	
10/6/05	Community Development Committee	Approved as Recommended	

ECONOMIC DEVELOPMENT/UNIVERSITY COMMUNITY COMMITTEE, CONSENT

050921

Permit Accessory Dwelling Units by Right in College Park (NB)

This item involves a proposal to modify City regulations to permit Accessory Dwelling Units in certain areas of the College Park neighborhood.

Explanation: In August, 2004, the Economic Development/University Community Committee (EDUCC) considered recommendations from several Ad Hoc Subcommittees formed as a consequence of the Norfolk/New Haven Inter-City trip. One recommendation, generated from the Urban Master Planning Subcommittee, involved a proposal to modify City regulations to permit Accessory Dwelling Units by Right in certain areas of the College Park neighborhood. An example of an Accessory Dwelling Unit in this context, would be a granny flat located over a detached garage. Allowing this type of unit BY RIGHT, would indicate that it is allowable within a specific zoning classification, per the City of Gainesville's Land Development Code.

Following study of the proposal by the EDUCC, and consultation with potentially effected neighborhoods, the EDUCC declined to move forward on this recommendation.

Fiscal Note: No fiscal impact.

RECOMMENDATION

Recommended Motion: The City Commission: 1) take no action on this item.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

050943

Master Plan for Depot Park and GRU Area (NB)

Explanation: The City Commission has established as one of their goals for the coming year the creation of a master plan for Depot Park and the GRU area. Since the majority of this area falls within the College Park University Heights (CPUH), Downtown, or Eastside CRA areas, staff is recommending that the CRA request the City Commission allow the CRA to take the lead on this project. The development surrounding the park within the CRA will be crucial to the success of the CRA and the surrounding area. The adopted redevelopment plans support this type planning activity. Each of the Advisory Boards involved with this project have recommended funding as part of their amendatory budget. However, there are portion of the area that do not fall within the CRA and will require funding from the City if they are to be included in the plan. All four of the CRA project coordinators will be involved with this planning effort and this would provide an opportunity for the three Advisory Boards to work together. Representatives of GRU and City Planning staff would also be included on the team.

The CPUH Board recommended funding, but did have some concerns about the focus of the study and wanted to be sure that alternative sites for industrial land would be evaluated. The Board made a motion reflecting those concerns.

Staff is seeking authorization to create a scope of work and prepare a Request for Qualifications for a consultant. Staff will work with CPUH to address their concerns as the scope of work is developed.

Fiscal Note: Funding options for the CRA portion of the project are presented in the Amendatory Budget. Recommendations include CPUH \$50,000, Downtown \$25,000, and Eastside \$10,000. The recommendations are based on how much of the redevelopment area exists within the proposed boundaries. The City will need to fund the study for those areas that are not located within the CRA area. GRU is also a possible funding source for this project.

RECOMMENDATION

The City Commission allow the CRA to be the lead organization in the development of the strategic plan for the Depot Park and GRU area; 2) request that the City and GRU provide funding for that portion of the area not within the CRA; 3) authorize staff to develop a scope of work and submit a Request for Qualifications

for the project; and 4) authorize staff to adjust boundaries as necessary.

Legislative History

2/20/06 Community Recommended for Approval, as shown above
 Redevelopment
 Agency

050945

Proposed Changes to CRA Legislation (B)

Explanation: There are two bills currently proposed that would change the way that the CRA functions. One bill has been prepared by the Florida Redevelopment Association (FRA), and the other has been prepared by the Florida Association of Counties and the Florida League of Cities.

As this issue moved through the committee process, the FRA was excluded from the discussion because it was felt that including the FRA would create a two against one issue for the Counties. The FRA has concerns that some of the timelines in the Florida Association of Counties and Florida League of Cities bill would give the Counties an unfair advantage to slow up the process. Staff has prepared a matrix of the changes.

The FRA "supports legislation that preserves the home rule powers of municipalities to create and effectively use community redevelopment agencies to redevelop and revitalize their urban areas, including the use of tax increment financing. We further support local control and disposition of any disputes between local governments over the use of such agencies and financing."

Staff is recommending that the CRA support the FRA bill, and requests that the Chair send letter to the appropriate elected officials.

Fiscal Note: None at this time

RECOMMENDATION

The City Commission have the City Lobbyist address the issue in Tallahassee.

Legislative History

2/20/06 Community Recommended for Approval
 Redevelopment
 Agency

050945_20060220Proposed Bills for CRA Matrix.pdf

050857

CRA Advisory Board Comments on the Proposed Historic Preservation Design Guidelines (NB)

At the October 2005 Community Redevelopment Agency meeting, the Board accepted comments from the College Park University Heights and Fifth Avenue Pleasant Street Redevelopment Advisory Boards regarding

the new Historic Preservation Design Guidelines. The CRA authorized those comments to be forwarded to the City Commission

Explanation: The College Park University Heights and the Fifth Avenue Pleasant Street Redevelopment Advisory Boards both reviewed the proposed Historic Preservation Guidelines for their respective districts. Their comments were placed on the October 17, 2006 CRA meeting agenda. The CRA agreed to forward the Advisory Board Comments to the City Commission.

The College Park University Heights Redevelopment Advisory Board recommended changes to the University Heights Historic District guidelines: 1) striking recommendation two, referring to keeping new additions to historic buildings to a minimum (University Heights Historic District Guidelines page 56); and allowing metal and vinyl shutters provided they simulate appropriate products (University Heights Historic District Guidelines page 69).

The Fifth Avenue Pleasant Street Redevelopment Advisory Board recommended adoption of the proposed Historic Preservation Guidelines for the Pleasant Street Historic District.

Fiscal Note: None at this time.

RECOMMENDATION

CRA to the City Commission: Accept the following comments from the College Park University Heights and Fifth Avenue Pleasant Street Redevelopment Advisory Boards: 1) strike recommendation two, referring to keeping new additions to historic buildings to a minimum (University Heights Historic District Guidelines page 56); 2) allow metal and vinyl shutters provided they simulate appropriate products (University Heights Historic District Guidelines page 69); and 3) adopt the proposed Historic Preservation Guidelines for the Pleasant Street Historic District.

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

050196

Request for Exchange of Property between the City of Gainesville and the State of Florida Division of Forestry (B)

This item is a request for the City Commission to approve a land exchange involving 50 acres of City-owned Wacahoota property on Williston Road for a State of Florida-owned office, maintenance facility, and the 5-acre Smokey Bear Park located at NE 23rd Avenue in Gainesville.

Explanation: On December 12, 2005, the City Commission heard a second presentation on a request for exchange of property between the City of Gainesville and the State of Florida Division of Forestry (DOF). The City Commission had previously heard this item on August 22, 2005, and directed staff to bring back additional information.

As a result of Commission discussion on December 12, 2005, a motion was made and passed by the City Commission to: 1) Authorize the Division of Forestry to proceed with the permitting process; 2) communicate (through the City Manager's office) to the Alachua County Board of County Commissioners (BoCC) the City's intent to move forward with this exchange with the Division of Forestry, unless the BoCC indicated to the City (no later than February 15, 2006), that they wish to acquire this property through Alachua County Forever; 3) ask the City Manager and General Manager of Utilities to look at the City's property inventory and see if the City has any other suitable sites for exchange; and 4) indicate to the Division of Forestry that the City Commission's actions doesn't vest them with any right with respect to the property acquisition.

Per the City Commission's direction, the City Manager communicated in writing to the Alachua County Manager concerning their intent to acquire the Wacahoota property through Alachua County Forever.

As requested, staff reviewed the City's property inventory, including lands owned by GRU. Three vacant sites were identified that contained adequate acreage for a Forestry district office. The Division of Forestry inspected two of the sites and reported that both parcels, owned by GRU, were unsuitable for a Forestry district office due to access constraints and/or drainage issues. The third parcel is located in the Airport Industrial Park where the Forestry district office use is not consistent with the description of permitted uses.

On February 14, 2006, the Board of County Commissioners heard a request from county staff to approve the addition of the Wacahoota Road property to the Alachua County Forever Acquisition List (A List). The BoCC voted unanimously to approve the following recommendation: "The BoCC should approve the addition of the Kanapaha Prairie-Wacahoota Road tract to the Active Acquisition List and should encourage the City of Gainesville to first pursue the property swap with the State Division of Forestry before offering it to the County for Sale."

Fiscal Note: When DOF transfers the Smokey Bear property to the City of Gainesville, the Department of Parks, Recreation and Cultural Affairs is planning to relocate its existing Administrative Offices, along with the Nature Operation Division's maintenance program, to the current DOF administrative offices.

Additional funding in the amount of \$35,000 for one-time costs to facilitate this relocation will be needed. A one-time cost of approximately \$4,500 for a survey and a Phase I Environmental Audit will also be needed. In addition, a \$10,500 annual reoccurring costs for ongoing computer and phone network services and

electricity (above current location costs) will be required.

These costs will be budgeted in the City's Annual operating budget for FY2007 & FY2008.

RECOMMENDATION

The City Commission: 1) Direct staff to proceed with the requested property exchange with Division of Forestry and authorize the City Manager or designee to execute all necessary exchange documents subject to review by the City Attorney as to form and legality; and 2) Direct staff to work with ACF for the purchase or exchange of the remaining 144 acres of the Wacahoota site to ensure its continued use as conservation land.

Alternative Recommendation A: Direct staff to advise the DOF and Alachua County that the City is no longer interested in this property exchange and encourage purchase by Alachua County Forever for conservation purchases.

Alternative Recommendation B: Direct staff to advise the DOF that the City will work to find an alternative site for property exchange and encourage purchase of the Wacahoota property by Alachua County Forever for conservation purposes.

Alternative Recommendation C: Direct staff to advise the DOF and Alachua County that the City is no longer interested in this property exchange and sale to Alachua County and continue to retain the property in the City's inventory for future property exchanges or other projects.

Legislative History

7/25/05	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
7/25/05	City Commission	Approved as Recommended and Referred	Recreation and Cultural Affairs Committee
8/4/05	Recreation and Cultural Affairs Committee	Heard	
8/22/05	City Commission	Referred (6 - 0 - 1 Absent)	City Manager
12/12/05	City Commission	Approved, as shown above (Second Motion)	

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050916

Expansion of the Evergreen Cemetery (NB)

The Evergreen Cemetery Association has requested City support for the purchase of (4) four (+/-) acres of property adjacent to the Northwest corner of the cemetery.

Explanation: On February 13, 2006, Tom Fey, President of the Evergreen Cemetery Association, requested that the City Commission support the Association's request to the Alachua County Board of Commissioners to acquire up to seven acres of 121 acres of property know as Sweetwater Ltd. This conservation property is currently under contract for purchase by Alachua County and is scheduled to close the first or second week of March 2006.

Mr. Fey suggested two options for the Commission's consideration: 1) support a land exchange between the City and the County as the cemetery currently has 3-4 acres of land that is unusable for cemetery purposes; and 2) use a portion of the City's Cemetery Trust Fund to purchase the land from the County. During his presentation, Mr. Fey indicated that less than (7) seven acres would be acceptable as long as a portion of the property connected the Cemetery with Williston Road.

A review of City Ordinance #4079 relating to the Evergreen Cemetery clearly indicates that in its present form the Cemetery Trust Fund can only be used "exclusively for the care and maintenance of the lots and spaces covered thereby and for the care and maintenance of the cemetery grounds." In order for any portion of the Cemetery Trust Fund to be used, the City Commission would be required to amend the existing City Ordinance that governs the use of the Cemetery Trust Fund and that amendment would only be able to address future increases in the Trust Fund and not the current balance within the Trust Fund.

The City Commission voted to support the Cemetery Association's efforts to acquire (4) four +/- acres of the Sweetwater Ltd. property and directed city staff to meet with county staff to identify possible options that would enable the Evergreen Cemetery to add additional land on its Northwest boundary.

The Commission also voted that any actions to be taken by city staff should in no way hinder Alachua County's effort to acquire the Sweetwater Ltd. property. Alachua County staff have indicated a willingness to work with the City on a carve out of the land for cemetery purposes.

City staff are currently exploring options relating to a land swap of adjacent lands, adjustments of fees and charges to provide a funding source for debt service to purchase land, a request for a County contribution, and possible swaps other city properties in exchange for the Evergreen land. Staff will be prepared to present a number of options at the February 27, 2006 City Commission meeting.

In identifying possible options, the following statements will be used to guide staff.

1) The land exchange of cemetery property is not of equal value to the Sweetwater Ltd. property and would require an additional monetary payment of some amount or additional (conservation) land exchange from the City to the County.

2) The Cemetery does not require all (7) seven acres and that (4) four acres (+/-) would be adequate as long as the property acquired allows for access from Williston Road.

3) That the City Commission fully supports the County's acquisition of the entire 121 acres of property known as Sweetwater Ltd.

4) The existing balance within the Cemetery Trust Fund cannot be used for the purchase of property.

5) The per acre value of the Sweetwater Ltd. property is \$66,000.00. The City cemetery land has not been appraised, so the per acre value is unknown.

6) That the estimated amount of funding or land exchange must equal \$264,000 - \$300,000, the value of (4) four +/- acres of Sweetwater Ltd. property.

7) The Cemetery Trust Fund can be amended to address some level of allocation of future funds toward either the purchase of land for cemetery expansion or for possible use as repayment of a "loan" that could be used to purchase a portion of the Sweetwater Ltd. property.

8) The fee structure for Cemetery services may need to be adjusted to assist in the funding of this land exchange. The current City subsidy for cemetery operations is \$99,000.

9) That FDOT will allow a road that will connect to the Cemetery; however, there are no current or proposed funds to construct a local road. Staff is contacting FDOT regarding the road connector possibility.

Fiscal Note: To acquire (4) four acres of the 121 acres known as the Sweetwater Ltd. property would require funding and/or a conservation land exchange in the amount of \$264,000 to \$300,000.

RECOMMENDATION

The City Commission adopt a recommendation to be presented by staff which supports the City Commission's directive to support the Evergreen Cemetery Association's efforts to acquire (4) four +/- acres of the Sweetwater Ltd. conservation property being purchased by Alachua County.

Alternative Recommendation

The City Commission not hear the requested project alternatives and staff recommendation.

Legislative History

2/13/06 City Commission Approved, as shown above - See Motion(s) (6 - 0 - 1 Absent)

050924**University of Florida Campus Master Plan for 2005 - 2015 (B)**

This item involves a request to the City Commission to authorize the City Manager to submit comments regarding the UF Campus Master Plan for 2005 through 2015. In accordance with Subsection 1013.30(6), Florida Statutes, from December 14, 2005, the City has ninety (90) days to review and provide comments to the University of Florida regarding their Proposed Campus Master Plan 2005- 2015. Staff from the City Manager's and the City Attorney's Offices have reviewed the plan and are asking the City Commission to authorize the City Manager to forward the comments to the University of Florida.

Explanation: The University Comprehensive Master Plan process established in Subsection 1013.30 of the Florida Statutes is intended to facilitate coordination between universities and their host local governments. Subsection (1) states "This section contains provisions for campus planning and concurrency management that supersede the requirements of part II of chapter 163, except when stated otherwise in this section. These special growth management provisions are adopted in recognition of the unique relationship between university campuses and the local governments in which they are located. While the campuses provide research and educational benefits of statewide and national importance, and further provide substantial educational, economic, and cultural benefits to their host local governments, they may also have an adverse impact on the public facilities and services and natural resources of host governments. On balance, however, universities should be considered as vital public facilities of the state and local governments. The intent of this section is to address this unique relationship by providing for the preparation of campus master plans and associated campus development agreements."

The University of Florida held their campus master plan hearing on December 14, 2005. This began a ninety-day period ending on March 14, 2006, in which the City could review and provide comments. Following receipt and consideration of all comments, the University is required to hold an informal information session and at least two (2) public hearings after which the Board of Trustees shall adopt the campus master plan.

Following final adoption of the campus master plan, the university is required to enter into a campus development agreement with their host local government(s). The agreement must address level-of-service requirements, deficiencies, and campus development impacts on public facilities and services including roads, sanitary sewer, solid waste, drainage, potable water, parks/recreation and public transportation. The agreement may also address public electricity, non-potable water, law enforcement, fire and emergency rescue, gas and telephone facilities and services. The agreement is also intended to ensure consistency between the university master plan and the local government comprehensive plan. This statutory requirement was first applied to the

University of Florida in 1995. The first Campus Development Agreement was signed on December 30, 1998, with amendments on March 13, 2001, and October 21, 2004.

Fiscal Note: There is no fiscal impact at this time.

RECOMMENDATION

Recommended Motion: The City Commission 1) authorize the City Manager to submit comments regarding the University of Florida Campus Master Plan, 2005 - 2015 to the University of Florida; and 2) authorize the City Manager and the City Attorney to enter into negotiations with the University of Florida on the provisions of the Campus Development Agreement.

Alternative Recommendation A: The City Commission take no action.

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GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

REGIONAL UTILITIES COMMITTEE

050850

Wastewater Service to the City of Archer (NB)

RECOMMENDATION

The City Commission hear a report from the Regional Utilities Committee.

Legislative History

2/13/06	City Commission	Approved as shown above and Referred (6 - 0 - 1 Absent)	Regional Utilities Committee
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ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

050894

Alachua County Sheriff's Office Update (NB)

RECOMMENDATION

The City Commission hear a presentation from Sheriff Stephen Oelrich.

050989

Nomination - Library District Board of Trustees (B)

RECOMMENDATION

The City Commission nominate three Board of Trustees applicants for consideration for appointment by the library District Governing Board.

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COMMUNITY REDEVELOPMENT AGENCY

MEMBERS OF THE CITY COMMISSION

050982

Commissioner Jack Donovan - Energy Plans (B)

RECOMMENDATION

The City Commission discuss the three issues listed in the February 19, 2006 e-mail.

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050983

Mayor Pegeen Hanrahan - Resolution (B)

RECOMMENDATION

The City Commission discuss an oil drilling resolution and place on the evening agenda for approval.

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050993

Mayor Pegeen Hanrahan - Charter Review Appointment (NB)

RECOMMENDATION

The City Commission make an appointment to the Charter Review Committee.

COMMISSION COMMENTS (if time available)**CITIZEN COMMENT (5:30pm) - Please sign on sign-up sheet****COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****PUBLIC HEARINGS****050889 Edward Byrne Memorial Justice Assistance Grant Program FY 2006 Local Solicitation (NB)**

The City Commission will hold a public hearing on the proposed use of \$53,167 Edward Byrne Memorial Justice Assistance Grant funds and will approve the grant application for these funds.

Explanation: The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, has announced available grant funds to local units of government through the Edward Byrne Memorial Justice Assistance Grant (JAG). The City of Gainesville is eligible to receive \$53,167 in funding through this grant. The JAG program allows local governments to support a broad range of activities to prevent and control crime. The funding distribution is based on population and crime statistics, as well as law enforcement expenditure data. The JAG program blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed the most. The Gainesville Police Department proposes to utilize the funds received under this grant to continue the production of the Gainesville Police Department television show "Police Beat," acquire additional digital in-car video cameras for patrol vehicles, and purchase other technical equipment for enhancements either to the Laptop project or the Data Trac process.

Fiscal Note: The \$53,167 in grant funds provided by the U.S. Department of Justice through the Edward Byrne Memorial Justice Assistance Grant is distributed up front instead of on a reimbursement basis. The award can fund projects beyond a four year period, allowing successful initiatives to receive funding to continue and expand their efforts. There are no required local matching funds for this grant award.

RECOMMENDATION

The City Commission: 1) hold a public hearing regarding the City's proposed use of funds awarded under the Edward Byrne Memorial Justice Assistance Grant; 2) hear a report from staff on the City's

proposed use of these funds; 3) receive written and oral public input in reference to the local government's entire budget and the relation of the grant to the entire budget; 4) authorize the City Manager to apply for, accept, and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality; and 5) approve the expenditures as outlined in the approved grant award.

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

050803

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

Ordinance No. 0-06-32

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06712-001-0001 and 06712-002-000, generally located south of Tax Parcel 06711-000-000 and the City limits, west of SW 35th Terrace and SW 19th Avenue, north of the vicinity of SW 20th Avenue, and east of the vicinity of SW 38th Terrace; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

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

The report must generally include the following information:

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

2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;

3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality

at the time of annexation, including:

- a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.
- b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.
- c) if extensions of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.
- d) set forth the method under which the City plans to finance extension of services into the area to be annexed.

If adopted on first reading, this ordinance shall be heard on second reading on March 13, 2006. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

1/23/06 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

050527

RETIREE HEALTH INSURANCE TRUST (B)

Ordinance No. 0-06-14

An Ordinance of the City of Gainesville, Florida, relating to retiree health insurance; establishing a trust, describing City contributions and retiree benefits, providing for administration of the program, and protection against creditors; repealing obsolete Article VIII of Chapter 2 relating to the same subject; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Last fall, the City Commission directed the City Attorney's office to prepare an ordinance converting the existing Retiree Health Insurance Program/fund (Sections 2-610 – 2-614) to the format of a trust. The attached ordinance restates and rearranges the previous provisions while establishing a trust fund, and provides for the administration of such in a manner similar to that utilized

for the pension funds.

Since the 1980's, Florida Statutes have required that cities allow retirees and their dependents the option of continuing to participate (after retirement) in cities' group health insurance plan at the same premium cost applicable to active employees. Cities may pay some, all, or none of the cost of such continued participation.

Section 2-631 restates applicable program definitions, while Section 2-632 establishes the trust, and provides for placement of existing and future funds in the trust. Disbursements for benefits and costs of administration, as has been occurring over the last 10 years, are continued.

Section 2-633 restates the benefits for formulas and conditions under which the program has operated.

Section 2-634 provides for administration of the program and trust through a Board of Trustees and program officers, in a fashion similar to administration of the General Employees Pension Plan.

Sections 2-635 – 2-638 deal with interpretation, protection against fraudulent claims or claims of creditors and amendment or termination of the program, again in a fashion similar to that provided in the General Employees Pension Plan.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/24/05	City Commission	Approved as Recommended (7 - 0)
2/13/06	City Commission	Adopted on First Reading, as revised (Ordinance) (6 - 0 - 1 Absent)

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050582

REZONING - 1108 SOUTHEAST 1ST AVENUE (B)

Ordinance No. 0-06-18, Petition No. 156ZON-05PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from "MU-1: 8-30 units/acre mixed use low intensity" to "PS: Public services and operations district"; to allow a cemetery as a use permitted by right without approval of a preliminary development plan; located in the vicinity of 1108 Southeast 1st Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject property is 0.3 acres and is currently vacant. The property to the west has a PS zoning designation. The property to the south has a PS and

RMF-5 zoning designation. The property to the north and east have MU-1 zoning.

Because the character of nearby properties is compatible, a PS zoning is an appropriate designation of the subject property. The adjacent properties, land use and zoning designations are compatible with the proposed public service and public facilities designations.

The City has adopted Plan East Gainesville, which contains this property in its adopted "Five Points" Special Area Plan. The proposed rezoning would not meaningfully promote or inhibit this plan. The subject property is also within the City Redevelopment District and Enterprise Zone.

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

Public notice was published in the Gainesville Sun on November 1, 2005. Letters were mailed to surrounding property owners on November 2, 2005. The Plan Board held a public hearing November 17, 2005. Planning Division staff recommended that the Plan Board approve the petition, and that the City Plan Board not recommend a preliminary development plan be submitted before the property is rezoned. The Plan Board recommended that the City Commission approve Petition 156ZON-05 PB and not recommend a preliminary development plan be submitted before the property is rezoned. Plan Board vote 6-0.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/13/06 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
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050881

VOLUNTARY ANNEXATION - CCGH

Ordinance No. 0-06-21

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of Tax Parcels 06706-025-000 through 06706-030-000 and 06706-035-000 through 06706-040-000, generally located south of SW 17th Avenue, west of the vicinity of SW 34th Street and the City limits, north of SW 17th Place and east of Tax Parcel 06724-000-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Explanation: The adoption of an annexation ordinance is the final stage in the annexation

process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, October 24, 2005, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On November 28, 2005 and December 12, 2005, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

If adopted on first reading, the second and final reading of this ordinance will be February 27, 2006. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

2/13/06 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
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RESOLUTIONS- ROLL CALL REQUIRED

050959

First Amendment to the FY 2006 General Government Financial and Operating Plan Resolution (B)

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2006 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 first amendment to the Fiscal Year 2006 General Government Financial and Operating Plan Budget Resolution.

Legislative History

2/20/06 Audit and Finance Recommended for Approval
Committee

050959_20060220.pdf

050884

Resolution for proposed Historic Preservation Rehabilitation and Design Guidelines (B)

The Historic Preservation Rehabilitation and Design Guidelines are authorized as the document to be used as the criteria for reviewing and evaluating a Certificate of Appropriateness application for designated historic properties pursuant to section 30-112, City of Gainesville Code of Ordinances.

Explanation: The goal of the Historic Preservation Rehabilitation and Design Guidelines for the City of Gainesville is to provide advice and assistance to city officials, building professionals and property owners for the purpose of maintaining, rehabilitating, and preserving historic buildings, structures, objects, and appurtenances within the historic districts of Gainesville or individually listed properties on the local or national register. The Guidelines also recommend strategies for the design of new construction that maintain the building pattern of the districts, are compatible with the existing district character, contribute positively to their evolving character, and protect existing contributing structures. The guidelines are a single comprehensive document that also employs specific language to protect the unique historical and cultural fabric of each district.

Owners in the historic districts were notified by mail of the guidelines as well as the maps. A public hearing was held on the evening of October 27, 2005.

The College Park/University Heights Redevelopment Advisory Board and the Fifth Avenue/Pleasant Street Redevelopment Advisory Board contributed significantly to the evolution of this document with their input during the development process.

Fiscal Note: None.

RECOMMENDATION

The City Commission approve the following resolution: A resolution of the City Commission of the City of Gainesville, Florida, approving and adopting the Historic Preservation Rehabilitation and Design Guidelines to be on a supplementary basis by management when evaluating an application for a certificate of appropriateness for property located within the City's historic districts, as more fully described in section 30-112, City of Gainesville Code of Ordinances; providing a repealing clause; providing an immediate effective date. (A copy of the Historic Preservation Rehabilitation and Design Guidelines will be on file in the Clerk of the Commission Office.)

Alternative Recommendation A: The City Commission deny the resolution to approve and adopt the Historic Preservation Rehabilitation and Design Guideline.

Alternative Recommendation B: N/A

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PLAN BOARD PETITIONS

050580

Vacate, Abandon and Close Street. (B)

Petition 124SVA-05 PB (Formal Quasi-Judicial Hearing) Hughes, Inc. Pursuant to Section 30-192(b) of the Gainesville Land Development Code, the petitioner has requested the City to vacate, abandon and close Northeast 23rd Place east of Northeast 5th Terrace to the east right-of-way line of Northeast 6th Street; and that portion of Northeast 6th Street, 50 feet north of the north right-of-way line of Northeast 23rd Place.

Explanation: The purpose of this request is to vacate a portion of right-of-way located north of the intersection of Northeast 23rd Avenue and Northeast 5th Terrace. A portion of Northeast 23rd Place would be vacated starting at the east right-of-way line of Northeast 5th Terrace and extending east to the east right-of-way line of Northeast 6th Street. A portion of Northeast 6th Street would also be vacated, starting at the north right-of-way line of Northeast 23rd Place and running north approximately 50 feet to the north property line of 2303 Northeast 6th Street. Both portions of right-of-way to be vacated are 50-foot wide. The section of Northeast 23rd Place is paved, while the Northeast 6th Street portion is unpaved. Upon vacation of the right-of-way, the land would revert back to the surrounding property from which the right-of-way was created. The right-of-way currently provides legal access, although no physical access exists except for access to the rear loading area and as an internal driveway to Hughes Supply, Inc., which owns the land surrounding most of the subject right-of-way.

A review of the layout for the area indicated that vacating the public right-of-way would eliminate access to a parcel of land not owned by the applicant. City staff had recommended that this property owner sign the application to vacate right-of-way so that all of the Northeast 6th Street right-of-way could be vacated up to the point of a previous street vacation (see attached map). That signature was never secured, so this proposal only involves vacating the right-of-way up to the property line owned by the petitioner. This would create a landlocked portion of right-of-way, as well as a landlocked parcel of land that is approximately 2.8 acres in size.

The adjacent property owner did not sign the application for vacation of right-of-way. As a result, this petition would leave a portion of leftover right-of-way adjacent to this property owner, creating a landlocked parcel of land. Both the Fire Department and the Public Works Department recommend denial because of the creation of a land-locked portion of right-of-way and emergency vehicle turnaround issues. This street vacation would foreclose a reasonably foreseeable transportation corridor in the area, making it inconsistent with Concurrency Management Policy 1.2.1 of the Comprehensive Plan. As a result, staff recommends denial of Petition 124SVA-05PB.

The Plan Board heard the petition and after discussion, voted 4-2 to recommend that the City Commission approve the request for a street vacation, with staff conditions.

Public notice was published in the Gainesville Sun on November 1, 2005. Letters were mailed to surrounding property owners on November 2, 2005. The Plan Board held a public hearing November 17, 2005.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 124SVA-05 PB, with staff conditions. Plan Board vote 4-2.

Staff to City Commission: The City Commission deny Petition 124SVA-05 PB based on staff comments.

Alternative Recommendation A: The City Commission approve Petition 124SVA-05 PB, with staff conditions, including a referral from the City Commission to initiate a street vacation petition to vacate the remaining portion of the right-of-way of N.E. 6th Street.

Staff to Plan Board - Deny Petition 124SVA-05 PB.

Legislative History

12/12/05	City Commission	Continued (Petition)
1/23/06	City Commission	Continued (Petition) (7 - 0)
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		050580_200601231300.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

050897

Gainesville Regional Airport Master Plan Update Presentation (B)

RECOMMENDATION

The City Commission hear a presentation regarding the Airport's Master Plan Update.

Legislative History

2/13/06	City Commission	Continued
		050897_200602131300.pdf

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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