

City of Gainesville

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



Meeting Agenda

April 25, 2005

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER - 1:00 PM

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

Dr. John P. Fairless, First Baptist Church, 425 W. University Avenue, Gainesville, FL 32601

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

041218

Bid Award for the Renovation of Restrooms for Westside Recreation Center (B)

Explanation: The Facilities Management Department is renovating the existing restrooms at Westside Recreation Center and adding one ADA unisex restroom to the Center. The Purchasing Division solicited bids from 12 vendors with five (5) vendors attending a pre-bid conference held at Westside Recreation Center on March 25, 2005. On March 31, 2005, two (2) vendors submitted bids. The bids were evaluated on compliance with specifications. The low bidder was deemed non-responsive and the project went out for rebid on April 15, 2005 with the bids due back on April 22nd. Two (2) bids were received. Staff evaluated the April 22nd bids based on compliance with specifications. Staff recommends awarding the bid to Sandpiper Builders, Inc.

Fiscal Note: The Facilities Management Department has funds available in the Department's ADA account.

RECOMMENDATION

The City Commission award the issuance of a Purchase Order to the lowest, most responsive bidder in an amount not to exceed \$27,344 for the renovation of restrooms for Westside Recreation Center.

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041219

Bid Award for Sodium Hypochlorite, Storage Vessel, and Containment (B)

Explanation: The Recreation and Parks Department utilizes a liquid chlorine delivery system at its two largest pools, H. Cherry Spurgeon and Dwight Hunter. The system requires the purchase of the chemical sodium hypochlorite and the rental of storage vessels and containment units to operate.

An invitation to bid for the procurement of the sodium hypochlorite, storage vessels and containment was sent by the Department to six (6) prospective bidders. The bid requested pricing for a two year period, FY 05 and FY 06, with a possibility of three one-year extensions. Three bidders responded to the bid request; however, one of these bidders was non-compliant. Based on their ability to meet all material requirements of the specification and the competitive price of the bid, the Department recommends awarding the bid to Dumont Company. Staff is now requesting approval to purchase the sodium hypochlorite at a price of \$1.05 per gallon for year one, and a not to exceed price of \$1.15 per gallon for year two; the storage vessel rental and containment for a price of \$20 per vessel, per month. The Department estimates using 18,000 gallons of hypochlorite per year for both pools and the rental of two storage vessels and containment units.

Fiscal Note: Funds are available within the Aquatics Division's materials and supplies budget to cover these costs.

RECOMMENDATION

The City Commission award the contract for an initial period of two years to Dumont Company, with three possible one-year extensions.

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041220

Third Amendment to the Contract for Architect-Engineer Consulting Services for Old Landfill (B)

Explanation: The long closed Airport Landfill has exposed landfill waste over a large area along the south edge similar to the old landfill at Sweetwater Branch that is currently having the required 18 inches of cover restored. The consultant's task, as defined within the proposed amendment, is to develop documents that can be used for submitting to the Florida Department of Environmental Protection that demonstrates a comprehensive plan for covering the exposed materials and can also be used by contractors to implement the plan for the Airport Landfill.

Poor soil material and natural erosion caused by improper stormwater management are the contributing factors for the waste that is currently exposed. The envisioned plan will improve the quality of the cover material so that it encourages vigorous root growth and includes the best management practices for stormwater management. These elements of the work are expected to

greatly reduce the potential for the waste from becoming exposed for approximately 20 years. Timing is important on the implementation of this effort. The Depot Park project will generate about 9,000 truckloads of dirt, which could be utilized as cover for this landfill project.

Fiscal Note: Funding is available in the Solid Waste Fund for this activity.

RECOMMENDATION

The City Commission: 1) authorize the Interim City Manager or designee to execute the Third Amendment to the Contract for Architect-Engineer Consulting Services for Old Landfill with Golder & Associates, Inc.; 2) authorize the Interim City Manager or designee to issue an amended purchase order to Golder & Associates, Inc., not to exceed \$518,825, subject to approval by the City Attorney as to form and legality; and 3) authorize all necessary budget amendments and transfers related to the work.

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041221

Application to Office of Community Oriented Policing Services for 2005 Technology Grant Program, Federal Earmark (B)

Explanation: The Gainesville Police Department has been invited to participate in the 2005 Technology grant program funded and administered by the Office of Community Oriented Policing Services (COPS). A COPS Technology grant provides funding for the continued development of technologies and automated systems to assist law enforcement agencies in investigating, responding, and crime prevention. The federal earmark total is \$246,661 and will be split with the Alachua County Sheriff's Office. The City of Gainesville is the lead agency on the appropriation released by Congress and will be entering into a Memorandum of Understanding with the Alachua County Sheriff's Office to coordinate the split. The Gainesville Police Department is required to submit a proposal and the accompanying documentation for both agencies to the COPS Office by May 31, 2005. Upon review and acceptance of the City's proposal, the COPS Office will award \$123,330 to the City, which will be used to purchase high speed networking cards (802.11g) and mobile printers to enhance GPD's existing laptop (field reporting) project. The remaining \$123,331 will be designated to the Alachua County Sheriff's Office for their technology project.

Fiscal Note: There is no grant match required by the City to apply for this grant. If awarded, the City will receive \$123,330 as a Federal Earmark.

RECOMMENDATION

The City Commission authorize the Interim City Manager to apply to the Office of Community Oriented Policing Services (COPS) for a technology grant in the amount of \$246,661, and if awarded, authorize the Interim City Manager or designee to execute any necessary documents.

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041241**Special Inspections Amendment to the Fee Schedule, Appendix A (B)**

Explanation: Staff has noticed that there is an increase in applications for permits for large multi-family or mixed-use buildings that demand continuous, prompt inspections because of the complexity or the timing of construction. In order to provide this service to the construction industry, assigning an inspector to the site or building becomes a necessity. The number of hours/day/weeks/months shall be determined and agreed upon by the contractor and the Building Official. Full cost recovery for the inspection services will be accomplished. Criteria are being proposed for which projects are eligible for this special inspection category. Staff plans to hire a temporary full-time inspector for this service. In the event staff is unable to find a temporary inspector, a full-time inspector would be hired as a regular (not temporary) employee. After two years, if the current workload cannot support this new position, the position would be eliminated through attrition.

Fiscal Note: Based on this year's site plans, projected start times for commercial and residential permit applications that would be subject to this new program, and projecting a conservative estimate of additional revenue generated by special inspection fees, the total revenue is estimated to be \$136,000 over a two-year period.

RECOMMENDATION

The City Commission: 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the Code of Ordinances amending Appendix A to include a section for a special inspection fee; and 2) authorize a temporary full-time inspector for the Building Inspections Department. In the event a temporary inspector cannot be found, the Commission authorize a full-time inspector for the Building Inspections Department.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**041231****Purchase Order to Install Cured-in-Place Pipe - Black Acres Area (B)**

Explanation: All of the identified existing sanitary sewers are vitrified clay pipe (VCP) that are generally located in the Black Acres area. The portion of the 21-inch gravity sewer to be lined begins south of NW 8th Avenue and extends to GRU Lift Station No.1 (LS 1) located near the intersection of SW 2nd Avenue and SW 34th Street. The 12-inch and 15-inch gravity sewer is located approximately between the 2300 to 2700 block of NW 7th Road. The 8-inch gravity sewer is located along SW 2nd Avenue near LS 1. The rehabilitation activity proposed will prevent future breaks and groundwater infiltration. Due to the depth, location, and environmental considerations associated with rehabilitating these

gravity sewer mains, replacement of the sewer mains using conventional open trench techniques is not economically feasible.

Lining the sewer mains with a cured-in-place resin impregnated liner is a proven and cost effective trenchless technology for rehabilitating sewer mains. The lining of the sewer mains will provide renewed structural integrity, eliminate internal corrosion and prevent infiltration of groundwater into the sewer system which can exceed the existing gravity sewer system capacity possibly causing ground settlement and ultimate failure of the system. Infiltration also significantly reduces the wastewater collection and treatment plant's capacity as well as increasing pumping and treatment costs. This project is part of an on-going program to reduce infiltration and inflow within the wastewater collection system. This project also demonstrates proactive progress by GRU concerning the Florida Department of Environmental Protection (FDEP) Consent Order No. 03-1591. In addition to lining the sewer main, the work includes televising of the sewer main, heavy cleaning, and the installation of temporary wastewater bypass pumps and above ground force main as may be required.

Invitations to Bid for the installation of the Cured-In-Place Pipe (CIPP) were sent by Utilities Purchasing to the two known companies performing these services, with both responding. A tabulation of the bids is attached for your information. The recommended not to exceed amount includes approximately 15 percent contingency to accommodate any additional work resulting from changes in conditions in the field.

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

RECOMMENDATION

The City Commission approve the issuance of a purchase order to Insituform Technologies, Inc. to install CIPP lining to rehabilitate approximately 2980 feet of existing 21-inch diameter gravity sanitary sewer, 400 feet of existing 15-inch diameter gravity sanitary sewer, 2350 feet of existing 12-inch diameter gravity sanitary sewer, and 430 feet of existing 8-inch diameter gravity sanitary sewer in an amount not to exceed \$515,000.

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041232

Extension of Surveying/Mapping Services Agreement (NB)

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

Surveying work is assigned to the firms based on their expertise, past

experience on a particular job and the ability of the firm to meet project deadlines. In addition, GRU will continue to use small firms and/or the surveyors of record for projects with costs below the CCNA threshold when it is in its best interest.

Fiscal Note: Funding for this request is included in the Operations and Maintenance and Capital Budgets for FY 2005 and will be requested in FY 2006.

RECOMMENDATION

The City Commission: 1) authorize the General Manager or his designee to negotiate and execute Amendments to the Professional Services Agreements with Eng, Denman & Associates, Inc. and George F. Young, Inc. extending the term of the surveying and mapping services agreements through March 31, 2006, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to the firms in total amounts not to exceed budgeted amounts for these services, subject to the final appropriation of funds for FY 2006.

041233

Extension of Contract for Marketing Services (NB)

Explanation: As an enterprise of the City, GRU promotes programs, products and services that "help us meet our mission of delivering superior value to our customers and community by capitalizing on our unique opportunities as a multi-service utility." GRU has contracted with The Zimmerman Agency for the past three years to provide assistance in marketing and communications. This has allowed the utility to maximize its budget and garner a cohesive promotional and communications effort for the utility.

According to research conducted by RKS Research on behalf of GRU, customer recall of conservation related messages has grown from about 8% in 2002 to nearly 36% in 2004; GRUgreen Energy's participation rate is double that of Florida Power and Light and customers support renewable energy at higher monthly contribution amounts than the national average. GRUCom continues to grow and add new customers and promotional efforts for Gator.Net/GRU.Net alone helped attract over \$234,000 in new revenue in FY 2004.

In 2002, a Request for Proposal (RFP) was issued to forty-two firms. Sixteen responses were received and those proposals were evaluated in accordance with the criteria established in the RFP. The Zimmerman Agency was the highest rated firm. The initial term of the contract was for a period of three years with a provision for two, twelve-month extensions by mutual agreement. Staff is recommending two, twelve-month extensions to continue our efforts to date and build upon the work that has already been accomplished. It is our request to utilize those two, twelve-month extensions to continue communication and promotional efforts.

Fiscal Note: Funds for these services are available in the Utilities Marketing and Corporate

Communications FY 2005 O&M budget and will be requested in subsequent years of the contract.

RECOMMENDATION

The City Commission authorize the General Manager, or his designee, to negotiate and execute an amendment extending the term of the contract with The Zimmerman Agency to provide marketing services through April 2007, subject to the approval of the City Attorney as to form and legality and the appropriation of funds for FY 2006 and FY 2007.

041234

Additional Reimbursement for Oversizing W/WW Facilities at Garrison Way (NB)

Explanation: On January 10, 2005, the City Commission approved an oversizing reimbursement for Garrison Way, a 126 lot single family residential development for a not to exceed amount of \$272,396.00. However, during a subsequent meeting with the Alachua County Public Works Department, the County requested the proposed 24" Force Main (FM) route be revised to reflect an alternative location rather than underneath a proposed county road.

The amended amount of \$388,000.00 includes all construction labor and materials associated with the water and wastewater system oversizing.

Fiscal Note: Monies for this project are available in the FY 05 Water and Wastewater Capital Improvements Budget.

RECOMMENDATION

The City Commission authorize additional reimbursement to the Developer of Garrison Way, G.W. Robinson Builders, for the oversizing of the water, wastewater and reclaimed water facilities in an amount not to exceed \$115,604.00 (new not to exceed amount of \$388,000.00).

CITY ATTORNEY, CONSENT AGENDA ITEMS

041242

**MASSACHUSETTS LIFE INSURANCE CO., FLORIDA CONFERENCE CENTER ASSOCIATES, INC., AND STATE OF FLORIDA, BOARD OF REGENTS V. ED CRAPO, VON FRASER, AND JAMES ZINGALE
CASE NO. 01-04-CA-4822 (NB)**

Explanation: On December 21, 2004, the Hilton Hotel filed a lawsuit challenging the imposition of ad valorem taxes on the hotel located at 1714 S.W. 34th Street. The owners of the Hilton Hotel had previously challenged the decision of the Property Appraiser to tax the real property improvements that constitute the hotel. The challenge was heard by a special master for the County's Value

Adjustment Board. The City Attorney's Office represented the position of the Property Appraiser at the hearing at his request, as well as the City's interests in the proceeding, as the interests were the same. The Special Master found the real property improvements that constitute the hotel to be taxable and this finding was accepted by the County's Value Adjustment Board.

A lawsuit contesting the assessment of ad valorem taxes was filed in Circuit Court naming the Property Appraiser, Tax Collector and Department of Revenue as Defendants. The lawsuit asks the Court to prohibit the Defendants from assessing and collecting ad valorem taxes against the Hilton Hotel. It is the City's position, as well as the Property Appraiser's, that the real property improvements constituting the hotel, which are owned and operated by a private entity, are subject to ad valorem taxation just as any other commercial establishment.

The City Attorney's Office sought and received authorization from the Commission to intervene in the lawsuit to protect the City's interests. The City would receive a little over \$91,000 in 2005 from the taxation of the hotel. The total amount of revenues due all the taxing authorities in Alachua County from the Hilton Hotel is \$472,173.65. Alachua County, the School Board, and Dwight Adams, a private citizen, also sought leave to intervene in the lawsuit.

On March 30, 2005, the Court entered an order denying the City's, County's, School Board's and Dwight Adams's Motions to Intervene. The City Attorney's Office believes that the court did not apply the correct standard to determine whether intervention was proper. The standard requires that the party seeking to intervene have an interest in the litigation "of such a direct and immediate character that the intervenor will either gain or lose by the direct legal operation and effect of the judgment". The court did not address how the City, County, or School Board did or did not meet this standard, but denied the intervention stating that "[t]he government entities who are seeking to intervene have failed to show how their interests are different than any other political entity in Alachua County".

The Property Appraiser and the Tax Collector act as the local governments's surrogate to assess and collect property taxes assessed by the local governments. The Court's denial of the local governments' intervention leaves the local governments, who are the sole beneficiaries of the taxes assessed, without a means to protect their interest. While the court did, in its order, allow the local governments to participate as amicus (friends of the court) and file briefs on the legal issues, the denial of intervention status leaves the local governments without the ability to participate in discovery, file dispositive motions, and most importantly, it leaves the local governments without the ability to appeal a ruling of the court if it were adverse to the local governments interests. A ruling of the court would not affect only the Hilton property, but other potential properties similarly situated.

For these reasons, it is the request of the City Attorney's Office for authorization to file an appeal from the Court's order denying intervention in this case. The County Attorney's Office will also seek authorization to file an appeal.

RECOMMENDATION

The City Commission authorize the City Attorney to file an appeal from the Court's denial of the City's motion to intervene in the above styled case.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**041243****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of April 11, 2005, as circulated.

041238**Florida Association of City Clerks (B)****RECOMMENDATION**

The City Commission authorize the Mayor to execute a letter endorsing the Clerk of the Commission as a candidate for North East Florida Director in a form substantially as attached.

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041239**2006 City Commission Election (B)****RECOMMENDATION**

The City Commission schedule the 2006 City Commission election for March 7, 2006, and a run-off, if needed for March 28, 2006.

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041240**Gainesville Regional Utilities Meetings (NB)****RECOMMENDATION**

The City Commission schedule the Gainesville Regional Utilities Budget meetings for July 12, @ 3:00 pm; July 18, @ 6:00 pm and July 21, 2005 @ 3:00 pm, if needed.

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

PUBLIC WORKS COMMITTEE, CONSENT**040742****Left Hand Turn Lane at 1005 and 1007 SW 13th Street (B)**

Explanation: Public Works Department staff discussed the issue of adding a left turn lane for southbound traffic on SW 13th Street turning east onto SW 11th Avenue with the Florida Department of Transportation (FDOT). The response from FDOT is that they are not in favor of approving a left turn lane for the following reasons:

- 1. Insufficient lane width. Any lane width less than 11 feet would have to be reviewed by the District Design Engineer. The reduced bike lane width is also questionable.*
- 2. Insufficient distance from the overpass to SW 11th Avenue. Trips generated to and from the project could cause a sharp increase in this left turn movement with insufficient room to develop the left turn lane. The possibility of rear end crashes could increase dramatically. Northbound right turns from SW 13th Street onto 11th Ave would also increase, making less opportunity for the southbound left turn movement, and causing queues to back up in the left turn lane.*
- 3. There is alternate access from points north and south. While less convenient, it would not cause the safety concerns a left turn lane would on SW 13th Street.*

The issues mentioned above, including trip generation and distribution, would have to be thoroughly addressed in an engineering report prior to FDOT review.

The Public Works Department has worked with the developer who has provided a report dated April 6, 2005 that includes additional traffic information. This report documents the left turn movements and design approach of the project. A significant percentage of trips to and from this development are pedestrian and bicycle in nature due to the projects close proximity to UF and Shands.

The Public Works Committee has reviewed the information provided by the FDOT with respect to the installation of a southbound left turn lane on SW 13th Street at SW 11th Avenue. The Public Works Committee concluded that there is no immediate solution to this issue and requested the developer provide additional traffic information when this item returns to the City Commission agenda.

Fiscal Note: None

RECOMMENDATION

The City Commission remove this item from the Public Works Committee Active Referral List.

Legislative History

11/22/04 City Commission Referred (6 - 0 - 1 Absent) City Manager

11/22/04	City Commission	Referred	Public Works Committee
11/22/04	City Commission	Referred	City Manager
3/21/05	Public Works Committee	Approved, as shown above	
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COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

041222

Award for Outstanding Achievement in Popular Annual Financial Reporting (NB)

Explanation: The Government Finance Officers Association of the United States and Canada (GFOA) has granted an Award for Outstanding Achievement in Popular Annual Financial Reporting to the City of Gainesville for its Citizen's Report for the year ended September 30, 2003. The Award for Outstanding Achievement is a prestigious national award-recognizing conformance with the highest standards for preparation of state and local government popular reports. In order to earn an Award for Outstanding Achievement, a governmental unit must publish an easily readable and efficiently organized popular report.

An Award for Outstanding Achievement is valid for a period of one year only. The City of Gainesville has received the Award for Outstanding Achievement each year it has been eligible since the inception of the program in 1992. The City believes its current report for the fiscal year ended September 30, 2004 continues to comply with the program requirements, and staff is submitting the report to the GFOA for review and consideration.

Fiscal Note: There is no fiscal impact associated with this item.

RECOMMENDATION

The City Commission: 1) accept the Award for Outstanding Achievement in Popular Annual Financial Reporting for fiscal year 2003; receive the Citizen's Report for the fiscal year ended September 30, 2004; and 3) endorse submittal of the FY 2004 report to the GFOA.

041223**Certificate of Achievement for Excellence in Financial Reporting (NB)**

Explanation: The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Gainesville for its Comprehensive Annual Financial Report for the fiscal year ended September 30, 2003. The Certificate of Achievement is a prestigious national award recognizing conformance with the highest standards for preparation of state and local government financial reports.

In order to be awarded a Certificate of Achievement, a governmental unit must publish an easily readable and efficiently organized Comprehensive Annual Financial Report, whose contents conform to program standards. The report must satisfy both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. The City of Gainesville has received a Certificate of Achievement in each year in which it has been eligible since the inception of the program in 1951. The City believes that its current report for the fiscal year ended September 30, 2004 continues to comply with Certificate of Achievement program requirements, and is submitting it to the GFOA for review and consideration.

Fiscal Note: There is no fiscal impact associated with this item.

RECOMMENDATION

The City Commission: 1) accept the Certificate of Achievement for Excellence in Financial Reporting for fiscal year 2003; 2) receive the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2004; and 3) endorse submittal of the FY 2004 report to the GFOA.

041224**Distinguished Budget Presentation Award (NB)**

Explanation: The Government Finance Officers Association (GFOA) of the United States and Canada has awarded the City of Gainesville, GFOA's Distinguished Budget Presentation Award for its Financial and Operating Plan for fiscal year 2005 and 2006. The Award represents a significant achievement by the City. In order to receive the Budget Award, the City satisfied nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well the City's budget serves as a policy document; a financial plan, an operations guide; and a communication device. Budget documents must be rated "proficient" in all four categories to receive the award.

When a Distinguished Budget Presentation Award is granted, a Certificate of Recognition for Budget Presentation is also presented to the individual or

department designated as being primarily responsible for its having achieved the award. This certificate has been presented to the Office of Management and Budget. The City of Gainesville has received a Distinguished Budget Presentation Award for the last 19 consecutive years.

Fiscal Note: None

RECOMMENDATION

The City Commission acknowledge receipt of the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA).

GENERAL MANAGER FOR UTILITIES

041235

Water/Wastewater Extensions Funded by Surcharge Proceeds (B)

Explanation: Effective October 1, 2001, GRU began collecting a 25 percent surcharge on connection charges for customers connecting to the water and wastewater system outside of the City Limits. On July 28, 2003, the City Commission passed Resolution 030223 specifying that one half of surcharge monies from this source would be used to extend water, wastewater, and reclaimed water services within the City. Further, the resolution specified that 20 percent of the available funding would be used to address public health, safety, and environmental issues, 20 percent to be used to serve affordable housing, and 60 percent to be used for programmed water and wastewater extensions with the initial projects to be water service in low and moderate income areas. Use of this funding source was limited to funding facilities that are owned and maintained by the City (not to include any required plumbing retrofits on private property).

During the tenure of the previous City Manager, the City Manager and the General Manager of Utilities had agreed to develop a policy to administer the use of the surcharge proceeds including leveraging them with other grant funding sources. The policy was not developed prior to the departure of the previous City Manager, and the need for a comprehensive policy is becoming more important as surcharge funds continue to accumulate to extend water and wastewater facilities.

General Government staff (with the assistance of utility staff) have initiated discussions to develop appropriate programs to systematically extend water and wastewater service within the City, starting with low income areas. Unfortunately, on-site plumbing retrofits required in each home are believed to be a significant barrier to low income residents connecting to water, even if all other costs are paid by available funding. Since 2003, City Staff has sought other sources of grant funding to pay on-site plumbing costs in an effort to leverage the benefit of the City's funding available to expand water, wastewater, and reclaimed water services. City Staff requested state and federal monies to fund on-site plumbing retrofits last year as well as during the current state and federal budget process. No funding has yet been received to meet the identified

need. Additionally, CDBG and SHIP funding have been sought to pay for on-site plumbing costs. To date, no funding from either of these sources have been received. There are a number of options for moving forward as summarized in the chart included in the agenda packet as backup.

To date, approximately \$70,000 has been encumbered for Tiger Bay (affordable housing), and water and wastewater services have been extended to serve two customers (public health and safety) at a total cost of \$3,677. There is currently an unencumbered balance of approximately \$300,000 to fund water, wastewater, and reclaimed water service provision within the City.

It is important to note that Alachua County has provided moderate amounts of SHIP funding to extend facilities, pay connection charges, and pay for on-site plumbing costs in the unincorporated area as part of the Connect Free program. Alachua County has provided \$195,000 over the past 3 years for Connect Free, and has designated the entire pool of CDBG funding (\$750,000) for water and wastewater services provision in the current budget year.

Fiscal Note: Staff will continue to pursue alternate sources of funding for on-site plumbing and prepare to participate in CDBG and SHIP funding deliberations during the next budget cycle (FY2007).

RECOMMENDATION

The City Commission: 1) Receive a report from staff on the status of extending water and wastewater service using surcharge funding on connection fees; and 2) direct the City Manager and General Manager for Utilities to bring back a proposal to the City Commission by December 31, 2005.

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041236

Update on new USEPA Air Quality Regulations (NB)

Explanation: On March 10, 2005 EPA released the final Clean Air Interstate Rule (CAIR) rules which will require Sulfur Dioxide (SO₂) and/or Nitrous Oxide (NO_x) reductions in 28 states (including Florida) and the District of Columbia through a cap and trade system. On March 15, 2005 EPA issued the final mercury rule specifying a cap and trade program to be implemented in two phases as opposed to a Maximum Available Control Technology standard. The Phase I cap of 38 tons per year (tpy) nation-wide becomes effective in 2010; the Phase II cap of 15 tpy nation-wide becomes effective in 2018.

Compliance with these new rules will affect the timing and costs of alternatives that have been considered in Gainesville's ongoing long term electrical supply planning process.

RECOMMENDATION

The City Commission receive a staff presentation summarizing the new USEPA Air Quality Regulations and their implications for Gainesville's Long Term Electrical Energy Supply Plan.

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CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

041244

Mount Olive Church - Cotton Club (NB)

RECOMMENDATION

The City Commission hear a presentation from Vivian Filer.

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS

CITIZEN COMMENT

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Boy Scout Troop #307, Ronald Spitznagel, Assistant Scoutmaster

PROCLAMATIONS/SPECIAL RECOGNITIONS

041225

Public Employee Recognition Week - May 2-6 (B)

RECOMMENDATION *City of Gainesville TEAM Chair Kathi Martin to accept the proclamation.*
PublicEmployeeRecog_041225.pdf

041226**Administrative Professionals Week - April 24-30 (B)**

RECOMMENDATION *Gainesville Chapter International Administrative Professionals President Carol Law CAP, and Seminar Chair Susan Jarzen CPS to accept the proclamation.*
AdminProfessionals_041226.pdf

041227**Business Appreciation Day - April 25, 2005 (B)**

RECOMMENDATION *Jerry's A/C & Auto Shop, Inc. owner Gerald Povere to accept the proclamation.*
JerrysAC&Auto_041227.pdf

041228**Small Business Week 2005 - April 25-29 (B)**

RECOMMENDATION *City of Gainesville Small Business Procurement Program Coordinator Shaad Rehman and Small and Minority Business Development Coordinator Nelson Pizarro to accept the proclamation.*
SmallBusinessWk_041228.pdf

041229**Municipal Clerk's Week - May 1-7 (B)**

RECOMMENDATION *City of Gainesville Clerk of the Commission Kurt M. Lannon to accept the proclamation.*
MunicipalClerksWk_041229.pdf

PUBLIC HEARINGS**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****040658****COLLEGE PARK SPECIAL AREA PLAN MAP AMENDMENT (B)**

Ordinance No. 0-05-13, Petition No. 162ZON-04 PB
An ordinance of the City of Gainesville, Florida, amending Appendix A,

section 3 of the Land Development Code, incorporating a specific change from Type IV (Civic) to Type I (Shop Front/Office/Apartment) for certain property located in the vicinity of 205 NW 14th Street as more specifically shown on the map of the College Park Special Area Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This is an application to amend a portion of the College Park Special Area Plan Map, a 0.47-acre parcel from Type IV - Civic (civic uses) to Type I (shop fronts, offices, apartments or mixed-use buildings with apartments). As illustrated on the College Park Special Area Plan Map, the subject parcel is located at 205 Northwest 14th Street, between Northwest 2nd and 3rd Avenues, on the east side of Northwest 14th Street. The subject parcel contains a two-story boarding house/dormitory style residential building, which was formerly a place of religious assembly. The zoning and land use designations of the subject property and properties to the north and west are respectively RMU (Up to 75 units/acre, residential mixed use) and MUR (Mixed Use residential, up to 75 units per acre). The zoning and land use designations to the east (the only abutting property), south and northeast are respectively MU-1 (Mixed Use Low Intensity) and MUL (Mixed Use Low).

The existing Type IV - Civic classification is no longer appropriate for the subject property since the existing building is currently utilized solely as a residential structure. The requested change to Type - I (shop fronts, office, apartments or mixed-use buildings with apartments) will allow the mixed-use development proposed for the subject property and the remainder of the block located to the east.

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

Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.

The City Commission at its meeting on December 13, 2004, held a public hearing and approved Petition 162ZON-04 PB.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be May 9, 2005.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

12/13/04 City Commission Approved (Petition), as recommended (7 - 0)

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Ordinance No. 0-05-12; Petition 158TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3, of the Land Development Code, relating to the College Park Master Plan and Regulating Plan for New Construction; amending paragraph (2) of the subsection on building height for new construction, by allowing a greater building heights and number of stories under certain prescribed zoning and land use conditions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This petition requests a text change to the College Park Special Area Plan (College Park SAP). The intent of the Plan is to protect and promote the traditional, walkable character of this neighborhood. Largely, this intent is to be achieved in the proper design and placement of buildings, streets and sidewalks in the neighborhood to create high-quality street spaces that are pleasant, safe and convenient for pedestrians, bicyclists, transit users and motorists.

In addition to the preservation and promotion of a neighborhood design that is welcoming (particularly to pedestrians), the Special Area Plan finds it essential that residences, offices, retail and civic uses be compactly laid out so that their proximity makes walking between them convenient-a traditional design known as "mixed use."

Similarly, the purpose of a planned development (PD) is to provide a method for landowners or developers to submit unique proposals that are not provided for or allowed in the City's zoning districts. Planned development provisions allow unique design characteristics and a mix of residential and non-residential uses that are otherwise not accommodated in the land development regulations.

Current language in the College Park Special Area Plan does not provide for an exception to height requirements for Type I buildings. In order to accommodate the intended mixture of uses in an aesthetically appealing fashion, the petitioner is requesting a text change to the College Park Special Area Plan, to allow a Planned Development (PD) to exceed the SAP's limitations for maximum height and maximum number of stories. Any proposed development would also require amending the Comprehensive Land Use Plan to Planned Use District (PUD).

In the College Park Special Area Plan, building height is based on a maximum number of stories. For Type I buildings the maximum height is 65-feet, with a maximum of five (5) stories and a first story minimum of 10-feet from floor to ceiling.

If approved, a development could exceed the maximum height and maximum number of stories ordinarily allowed. The unique and often complex nature of a PD requires specialized review, as established in Section 30-211 of the Land Development Code. Section 30-211 allows a PD, in conjunction with a PUD

land use plan change, to set its own dimensional requirements.

Staff recommends a text change to the College Park Special Area Plan to clarify this omission, by allowing greater building heights and number of stories through the PD rezoning and PUD land use plan change process, so long as the first story, minimum 10-foot floor to ceiling height requirement is retained.

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

Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.

The City Commission, at its meeting of December 13, 2004, held a public hearing and approved this petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be May 9, 2005.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/13/04 City Commission Approved (Petition) (7 - 0)

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041148

HOME OCCUPATION INSPECTION AND PERMIT FEES (B)

Ordinance No. 0-05-48

An ordinance of the City of Gainesville, Florida, relating to user fees; amending Appendix A of the Code of Ordinances regarding home occupation inspection and permit fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission, at its meeting of April 11, 2005, authorized the City Attorney to draft and advertise an ordinance amending Appendix A of the City of Gainesville Code of Ordinances, Home Occupational Permit Fee. Past amendments to Appendix A have resulted in the inadvertent omission of the Home Occupational Permit fee authorized at section 30-58, City of Gainesville Land Development Code. The ordinance drafted by the City Attorney would relocate these fees, enacted in ordinance 3548 (adopted July 17, 1989), to Appendix A, City of Gainesville Code of Ordinances. The regulatory fees remain as established in ordinance 3548, as follows:

** an initial filing fee of \$60.00 to cover the cost of an inspection and issuing the permit, which is paid at the time of submitting each application;*

** an annual permit processing fee of \$10.00, which is paid each and every year;*
and,

** an additional fee of \$50.00 for the cost of re-inspection, which is paid every three (3) years per permit.*

The fee is assessed per application submitted to the City.

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, May 9, 2005.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

4/11/05 City Commission Approved as Recommended (7 - 0)

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041230

UF FOUNDATION VOLUNTARY ANNEXATION (B)

Ordinance No. 0-05-29

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, 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 generally south of Tax Parcel 06714-000-000, west of the City Limits, SW 15th Place, SW 17th Place, and Tax Parcels 06699-000-000 and 06700-000-000, north of Tax Parcel 06712-001-000, and east of Tax Parcels 06711-000-000, 06711-001-000, SW 37th Street and the City limits; 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 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, September 13, 2004, 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 January 24, 2005 and February 14, 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 May 9, 2005. 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.*

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

030753

STREET VACATION (B)

Ordinance No. 0-05-25, Petition 152-SVA-03PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3333 North Main Street; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of February 14, 2005, authorized the City Attorney to draft the proposed ordinance for street vacation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/14/05 City Commission Approved (Petition) with Staff Conditions (4 - 3)

4/11/05 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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030754

STREET VACATION (B)

Ordinance No. 0-05-26, Petition 153-ASVA-03PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3435 North Main Street; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of February 14, 2005, authorized the City Attorney to draft the proposed ordinance for street vacation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/14/05 City Commission Approved (Petition) with Staff Conditions (4 - 3)

4/11/05 City Commission Adopted on First Reading (Ordinance) (5 - 2)

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041149

STREET VACATION (B)

Ordinance No. 0-05-38, Petition 153-BSVA-03PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3345 North Main Street; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of February 14, 2005, authorized the City Attorney to draft the proposed ordinance for street vacation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/11/05 City Commission Adopted on First Reading (Ordinance) (5 - 2)

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040755

REZONING - 500 TO 600 BLOCKS BETWEEN NE 20th TERRACE AND NE 24th STREET (B)

Ordinance No. 0-05-22, Petition 192ZON-04PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from the zoning categories of "RSF-1: 3.5 units/acre single-family residential district" and "RSF-2: 4.6 units/acre single-family residential district" to the zoning category of "PS: Public services and operations district"; allowing development of a stormwater park with a retention basin and recreational nature trails; without approval of a preliminary development plan; located in the vicinity of the 500 to 600 blocks between Northeast 20th Terrace and Northeast 24th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition concerns 7 vacant parcels owned by the City of Gainesville, totaling approximately 26-acres in the Duval Neighborhood. Six of the 7 properties are zoned RSF-1 (3.5 units/acre single-family residential district) with SF (Single Family, up to 8 units per acre) land use. The other property is zoned RSF-2 (4.6 units/acre single-family residential district) with the SF land use. The site is surrounded by single-family residential development with RSF-2 and RSF-3 (5.8 units/acre single-family residential district) to the north, RSF-1 and RSF-2 to the east, RSF-3 to the west, and RSF-1 and RC (12 units/acre residential conservation district) to the south. The land use of this land is primarily SF, with the R-L (Residential Low-Density, up to 12 units per acre) category for the RC-zoned properties.

The request of this petition is to change the zoning from RSF-1 and RSF-2 to PS (Public services and operations district). This change is requested in order to allow for the development of a stormwater park with a retention basin and recreational nature trails.

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

Public notice was published in the Gainesville Sun on January 4, 2005. Letters were mailed to surrounding property owners on January 5, 2005. The Plan Board held a public hearing January 20, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 192ZON-04 PB. Plan Board vote 7-0.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

4/11/05 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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RESOLUTIONS- ROLL CALL REQUIRED**041237**

RESOLUTION ACCEPTING THE REPORT OF THE BOARD OF CANVASSERS FOR RUN-OFF ELECTION HELD ON APRIL 19, 2005 (B)

Explanation: A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, run-off election held April 19, 2005; and providing an immediate effective date.

RECOMMENDATION

The City Commission adopt the proposed resolution.

041237_200504251300.pdf

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT - 6:42 PM