

City of Gainesville

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



Meeting Agenda

October 09, 2006

1:00 PM

City Hall Auditorium

City Commission

***Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Craig Lowe (District 4)
Commissioner Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)***

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

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 Office of Equal Opportunity 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

060478.

Acquisition of Lot for the NE 19th Terrace Road Reconstruction Project (B)

This item involves a request to exchange City-owned property for a lot owned by Bartley Temple United Methodist Church, Inc., (Bartley Temple) for the NE 19th Terrace Road Reconstruction Project.

Explanation: The City must acquire Lot 74, the westerly half of Tax Parcel 10733-073-000, located at 1930 NE 19th Terrace, from Bartley Temple for the NE 19th Terrace Road Reconstruction Project. The City wishes to offer Bartley Temple the easterly halves of Lots 25, 36, 37, 48, 49, 60, 61 and 72 (16,008 square feet) of the Pine Ridge Subdivision in exchange for Lot 74 (3,741 square feet). These lots are currently owned or under contract for purchase by the City.

An additional consideration is that Bartley Temple has also requested vacation of the westerly 100 feet of NE 8th Place (Collins Street), as described by the plat of the Thomas and Steenburg Subdivision recorded in the Official Records of Alachua County, Florida, Plat Book "B", page 91, running east and west between Lots 5 and 6 of Block "A" and Lots 1 and 2 of Block "D" of said plat. Vacating the road will follow in a subsequent agenda item.

Fiscal Note: Funding for recording fees in the estimated amount of \$500 is available in the Public Works FY 2007 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the acquisition of Lot 74, the westerly half of Tax Parcel 10733-073-000, located at 1930 NE 19th Terrace, from Bartley Temple United Methodist Church, Inc., in exchange for the easterly halves of Lots 25, 36, 37, 48, 49, 60, 61 and 72 of the Pine Ridge Subdivision; 2) authorize the City Manager to execute any all necessary documents for the acquisition of this property, subject to approval by the City Attorney as to form and legality; and 3) authorize the Mayor to execute a deed for the easterly halves of Lots 25, 36, 37, 48, 49, 60, 61 and 72 of the Pine Ridge Subdivision, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission deny the request for the acquisition of Lot 74, the westerly half of Tax Parcel 10733-073-000 located at 1930 NE 19th Terrace, from Bartley Temple United Methodist Church, Inc., and abandon the NE 19th Terrace Road Reconstruction Project.

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060479.**Acquisition of Three Tax Parcels for Water Quality Improvement Project on NW 2nd Street (B)**

This item involves a request to acquire three tax parcels for use in a water quality improvement project for the surrounding neighborhood.

Explanation: The Stormwater Management Utility Clean Water Initiative has programmed a water quality improvement project for the neighborhood in the vicinity of NW 2nd Street and 16th Avenue. Negotiations with J. R. Office Furniture and Equipment Company, Inc., the owner of tax parcels 9990-000-000 located at 2001 NW 2nd Street, 9990-001-000 located in the 2000 block of NW 2nd Street, and 9990-001-001 located in the 2100 block of NW 2nd Street, resulted in an agreed price of \$50,000 for the parcels. All three tax parcels are vacant.

Fiscal Note: Funding in the amount of \$50,000 is available in the U.S. Environmental Protection Agency Sweetwater Grant Fund 115-800-X415-5390-6010.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the acquisition of tax parcels 9990-000-000 located at 2001 NW 2nd Street, 9990-001-000 located in the 2000 block of NW 2nd Street, and 9990-001-001 located in the 2100 block of NW 2nd Street from J. R. Office Furniture and Equipment Company, Inc., for the purchase price of \$50,000; and 2) authorize the City Manager to execute any and all necessary documents

for the acquisition of these tax parcels, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission deny the request for the acquisition of tax parcels 9990-000-000 located at 2001 NW 2nd Street, 9990-001-000 located in the 2000 block of NW 2nd Street, and 9990-001-001 located in the 2100 block of NW 2nd Street from J. R. Office Furniture and Equipment Company, Inc., for the purchase price of \$50,000 and abandon the Water Quality Improvement Project on NW 2nd Street.

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060530.

Paul Coverdell Forensic Science Improvement Grants Program Award and Purchase (NB)

This item involves the purchase of an AFIX Tracker automated fingerprint palm identification system and related components, at a cost of \$31,750, from grant funds awarded by the U.S. Department of Justice.

Explanation: In May of this year, the City Commission approved an application by the Forensic Crime Unit of the Gainesville Police Department for the Paul Coverdell Forensic Improvement grant through the Department of Justice. The City Commission approved a request of \$62,146 to purchase two pieces of equipment and employ a part-time temporary position. One piece of equipment requested for purchase was an AFIX Tracker automated palm print identification system.

The Forensic Crime Unit's grant request was awarded in full by the Department of Justice. The Department of Justice Paul Coverdell Forensics Improvement grant program specifically approved the AFIX Tracker and related components requested for purchase approval.

Fiscal Note: Grant funding from the Department of Justice in the amount of \$62,146 has been allocated to the City of Gainesville for this purchase and is available in account #115-810-X517-5210-6040.

RECOMMENDATION

Recommended Motion: The City Commission authorize the issuance of a purchase order to AFIX Technologies, Inc., Pittsburg, Kansas in an amount not to exceed \$31,750 for an AFIX Tracker and components.

Alternative Recommendation:

The City Commission decline the purchase request and decline \$31,750 on the total \$62,146 award from the Department of Justice Paul Coverdell Forensics Improvement grant program.

060531.**Concept/Master Planning of the RTS Maintenance Facility (B)**

This item involves a request for the City Commission to authorize contract negotiations with Wendel Duchscherer Architects & Engineers for Professional Design Services for the Concept/Master Planning of the RTS Maintenance Facility Renovations/Expansion.

Explanation: On May 25, 2006, the City's Purchasing Division solicited Statements of Qualifications for Professional Design Services for the Concept/Master Planning of the RTS Maintenance Facility Renovations/Expansion. Six firms submitted responses on June 29, 2006. Staff evaluated the submittals and invited three of the responsive firms for interviews and to present their qualifications on September 8, 2006. The final ranking of the three firms is:

1st - Wendel Duchscherer Architects & Engineers

2nd - Gannett Fleming

3rd - Maintenance Design Group

Fiscal Note: Funding for the planning/concept design phase of this project has been allocated through Federal Transit Administration (FTA) section 5309 grants in the amounts of \$226,710 and \$90,972.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the selection of the three most qualified design firms in the order of ranking; 2) authorize the City Manager to initiate contract negotiations with Wendel Duchscherer Architects & Engineers for Professional Design Services for the Concept/Master Planning of the RTS Maintenance Facility Project in accordance with the Consultants' Competitive Negotiations Act (CCNA); and 3) authorize the City Manager, upon successful contract negotiations, to execute the Contract and any related documents, subject to the approval of the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission reject the recommended ranking and direct the City Manager to again Request Statements of Qualifications from design firms in accordance with CCNA. This would result in a project delay of approximately four months. The resulting fiscal impact will be the loss of invested time and resources in the current process, incurring additional costs to reopen the Request Statements of Qualifications process, and incurring additional project costs if material prices increase in the process.

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060553.**Proposed Amendment to Article VI, SEC 2-433, Annual Audit of Accounts - Report to Be Published (NB)**

This item involves a request for the City Commission to authorize the City Attorney to prepare, and the Clerk of the Commission to advertise, an ordinance amending Article VI, SEC 2-433 of the City code.

Explanation: The existing City code requires the City to publish condensed financial statements in the newspaper each year. The Florida statutes referenced as part of the code do not require this publication. Therefore, it would be beneficial to use a more cost effective method to provide this information to the public. Making the statements available on the City's website would be an alternative solution that would provide this cost savings measure.

Fiscal Note: The cost of publishing the City's financial information in the Gainesville Sun each year is approximately \$1,000. This cost could be significantly reduced if the code was amended.

RECOMMENDATION

The City Commission authorize the City Attorney to prepare, and the Clerk of the Commission to advertise, an ordinance amending Article VI, SEC 2-433 of the City code.

060477.**Acquisition of Two Tax Parcels for the NE 19th Terrace Road Reconstruction Project (B)**

This item involves a request to acquire two tax parcels for right-of-way needed for the NE 19th Terrace Road Reconstruction Project.

Explanation: The City must acquire property for right-of-way for the NE 19th Terrace Road Reconstruction Project. Inez Smith, the owner of tax parcel 10733-013-000 located at 917 NE 19th Terrace and tax parcel 10733-025-000 located at 907 NE 19th Terrace, has agreed to sell these vacant parcels (consisting of 0.18 acre) to the City for \$46,000. Both properties are currently vacant lots. Both parcels are necessary to provide sufficient right-of-way for the new road.

Fiscal Note: Funding in the amount of \$46,000 is available in the NE 8th to 12th Avenue Connector Capital Project Account (R161).

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the acquisition of tax parcel 10733-013-000 located at 917 NE 19th Terrace and tax parcel 10733-025-000 located at 907 NE 19th Terrace from Inez Smith for the purchase price of \$46,000; and 2) authorize the City Manager to execute any and all necessary documents for the acquisition of this property, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission deny the request for acquisition of tax parcel 10733-013-000 located at 917 NE 19th Terrace and tax parcel 10733-025-000 located at 907 NE 19th Terrace from Inez Smith for the purchase price of \$46,000 and abandon the NE 19th Terrace Road Reconstruction Project.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

060565.

Grounds Maintenance for Lift Stations (NB)

Staff recommends extending the contract for grounds maintenance for lift stations through FY 2007.

Explanation: Grounds maintenance is required to maintain GRU's lift stations which are located throughout GRU's service area. Many of the lift stations are located in commercial and residential areas that are highly visible to the public, making it imperative that the property surrounding these sites is well maintained. The Contractor is required to perform routine landscape maintenance which includes mowing, trimming, pruning, weeding, maintaining flower beds and other related services.

A three year contract with Lawn Enforcement Agency, Inc. for grounds maintenance for GRU lift stations was approved by the City Commission on September 23, 2002. The term of the contract was extended through FY 2006 but did not require City Commission approval based on the annual expenditures. There is one remaining extension available under the contract. Lawn Enforcement Agency, Inc., a local business, has agreed to an extension of the contract with an overall increase of approximately 14%. The increase is estimated due to the variance in the number of lift stations serviced as new units are added and some are taken out of service from year to year. The requested increase is comparable to the CPI increase for the time period covered. In addition, the cost for performing this work is impacted by the cost of fuel for the equipment as well as travel expenses in transporting staff and equipment to the nearly 200 lift station sites.

Fiscal Note: Funds are available in the FY 2007 Water Reclamation Facilities and Lift Stations budget.

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager, or her designee, to execute an amendment to the contract with Lawn Enforcement Agency, Inc. for ground maintenance of lift stations extending the term through FY 2007, subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of a purchase order to Lawn Enforcement Agency, Inc. in amount not to exceed \$46,000 for FY

2007 for these services.

060566.

Environmental Consulting Services Agreement (NB)

Staff recommends amending a contract for additional consulting services for the gas plant site remediation project.

Explanation: Extensive work has been done over the past several months trying to establish the operational criteria for the proposed thermal treatment unit (TTU), the ambient air monitoring levels and the soil clean-up target levels (SCTL's) to be used in the remediation work. GRU, with the assistance of Focus Environmental, has been working closely with the State (FDEP) and County (ACEPD) regulatory agencies to establish these operational standards. Since there have been numerous addendums to the Remedial Action Plan (RAP), it was determined that the best approach would be to publish an amended rap to ensure that all the changes, clarifications and additions were accounted for. Focus Environmental will be working with staff in re-writing the RAP to include re-writes of existing technical specifications, and the addition of new specification sections. In addition, Focus Environmental will continue working with staff in an effort to negotiate the final clean-up and operational standards with the regulatory agencies.

Fiscal Note: Funding for this request is included in the Gas Acquisition Cleanup within the Capital Improvements Budget for FY 2007.

RECOMMENDATION

The City Commission authorize the Interim General Manager or her designee to negotiate and execute an amendment to the agreement with Focus Environmental, Inc., as a specified source, for consulting services associated specifically with the thermal treatment unit (TTU) issues related to the Poole Roofing/CSXT Manufactured Gas Plant Site Remediation in an amount not to exceed \$100,000.

060567.

Trailer Mounted Bull Wheel Tensioner (B)

Staff recommends the purchase of a trailer mounted bull wheel tensioner from Sherman and Reilly Inc. to be used when installing electric transmission and distribution overhead conductor.

Explanation: A bull wheel tensioner is an important piece of equipment used by the Electric Transmission and Distribution Division (T&D) to properly and safely install large overhead electrical conductors. Currently the Utility has only one such unit which is shared by the two T&D operating centers. Since this equipment is typically used by multiple crews, delays can result due to scheduling conflicts. In addition when repairs or scheduled maintenance of the unit is needed, crews are unable to install large conductors. This bull wheel tensioner will be an

addition to the fleet and will be used primarily by the crews at the Springhills Service Center.

Invitations to bid were sent by Utilities Purchasing to five prospective bidders with two responding. The bids were evaluated based on price, product features, delivery time, warranty, and past performance of the vendor. Staff recommends awarding the bid to Sherman and Reilly, Inc. as the firm submitting the best evaluated bid. The bid tabulation is attached for your reference.

Fiscal Note: Funds are available for this purchase in the FY 2007 Electric Transmission and Distribution Division's General Plant budget.

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Sherman and Reilly Inc. for a trailer mounted bull wheel tensioner in the amount of \$33,600.*

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060568.

Fletcher Release of Easement (B)

Staff is requesting approval of a Release of Easement to Fletcher & Sons Builders, I

Explanation: On February 9, 2004, Fletcher & Sons Builders, Inc., the owners of property located in the 2000 block of NW 107 Terrace, granted the City a public utility easement to cover overhead electric facilities on their property to serve Ridgemont, a proposed subdivision located southwest of their property. Subsequent to the granting of the easement, the Ridgemont subdivision had changes in their design layout which necessitated the relocation of the existing overhead electric line and easement. Fletcher & Sons Builders, Inc. have granted a replacement easement on their property to cover the relocated facilities. Fletcher & Sons Builders, Inc. have requested the release of the original easement as it is no longer necessary. Staff has reviewed this request for a Release of Easement and recommends the granting of the same.

Fiscal Note: There is no fiscal impact to the City.

RECOMMENDATION *The City Commission: 1) approve the release of a public utility easement located in the 2000 block of NW 107 Terrace north of Pine Hills Addition No. 3 subdivision; and 2) authorize the Mayor and Clerk of the Commission to execute the Release of Easement, substantially in the form on file, subject to approval by the City Attorney as to form and legality.*

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CITY ATTORNEY, CONSENT AGENDA ITEMS

060552.**FIRE OF GOD MINISTRIES, INC. v. CITY OF GAINESVILLE; U.S. DISTRICT COURT; CASE NO.: 1:06-CV-188-SPM-AK (B)**

Explanation: On September 26, 2006, the Mayor was served with a Summons and Complaint. Plaintiff alleges that the City applied its land development code in an unequal and discriminatory manner by requiring Plaintiff to apply for a Special Use Permit. The Plaintiff asks the Court to enjoin the City from requiring it to obtain a special use permit and to declare the City in violation of the Religious Land Use and Institutionalized Persons Act, the First Amendment and Equal Protection laws. Plaintiff also seeks attorney's fees and costs.

RECOMMENDATION

The City Commission authorize the City Attorney, and/or special counsel to represent the City in the case styled Fire of God Ministries, Inc. v. City of Gainesville, Case No: 1:06-cv-188-SPM-AK U.S. District Court

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**060540.****Resignation of Advisory Board/Committee Member John Confer, Ph.D (B)****RECOMMENDATION**

The City Commission accept the resignation of John Confer, Ph.D from the Public Recreation and Parks Board effective immediately.

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060541.**Resignation of Advisory Board/Committee Member Shivjit Sidhu (B)****RECOMMENDATION**

The City Commission accept the resignation of Shivjit Sidhu from the Art in Public Places Trust effective immediately.

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060551.**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of September 25, 2006, as circulated.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

040183

Increasing Citizen Access (NB)

The item reports back on several items involving communications that resulted from the Mayor's Transition/Brainstorming meetings.

Explanation: This item was a result of the Mayor's Transition/Brainstorming Committee and was referred to the Personnel & Organizational Structure Committee on July 12, 2004.

On August 3, 2004, three items were discussed: moving the regularly scheduled meeting from Monday, and making e-mails and responses between the City Commissioners and the public accessible on the Internet. The consensus of the Committee was to recommend against any changes to regular City Commission meetings. In addition, the Committee decided against publishing Commission e-mails on the Internet. The remaining items referred to the Committee included making City Commission meetings available to view on the Internet via web streaming video and to discuss how the City's website could be made more user friendly.

On August 28, 2006, the City went "live" with web streaming video of City Commission meetings via the Internet. Citizens can now watch City Commission meetings live from any location where the Internet is available.

Staff will continue to make improvements to the City's website and to make it more user friendly. The Office of Marketing and Communications will keep the City Commission and the public informed as enhancements are implemented.

Fiscal Note: None

RECOMMENDATION

City Commission accept the update and approve the removal of this item from the Personnel & Organizational Structure Committee referral list.

Legislative History

7/12/04	City Commission	Referred (7 - 0)	Personnel and Organizational Structure Committee
8/3/04	Personnel and Organizational Structure Committee	Discussed	
10/5/04	Personnel and Organizational Structure Committee	Recommended for Approval	

040832

Addie Hill Status Report/Prospective Business Loan Program (NB)

Economic Development staff has been working with various partners in the community to explore methods of providing greater financing startup opportunities for the purposes of small business development.

Explanation: On January 10, 2005, this item was referred to the Personnel & Organizational Structure Committee by the City Commission. On October 4, 2005, this item was discussed at the Personnel & Organizational Structure Committee and referred back the to City Commission for the meeting on October 24, 2005, with the recommendation for the City Commission: 1) to approve City staff's participation as a partner in implementation of the Access to Capital Program; and, 2) to direct staff to return in six months with an update at which time the City Commission can decide whether the City of Gainesville shall continue participating in the Access to Capital Program or seek other alternatives. All recommendations were approved and passed.

On August 22, 2006, Erik Bredfeldt, Economic Development Director, provided an update on the City's participation in the Access to Capital Program and agreed to provide a written report on the program to the City Commission every six months.

Fiscal Note: None

RECOMMENDATION *City Commission remove this item from the Personnel & Organizational Structure Committee referral list.*

Legislative History

1/10/05	City Commission	Referred (6 - 0 - 1 Absent)	Personnel and Organizational Structure Committee
3/1/05	Personnel and Organizational Structure Committee	No Action Taken	
5/3/05	Personnel and Organizational Structure Committee	Heard	
8/2/05	Personnel and Organizational Structure Committee	Discussed	
10/4/05	Personnel and Organizational Structure Committee	Heard	
10/24/05	City Commission	Approved as Recommended (7 - 0)	

PUBLIC SAFETY COMMITTEE, CONSENT

060353.**Legal Office Expenses from State Law Enforcement Contraband Forfeiture Trust Fund for FY 2006- 2007 (NB)**

This items requests City Commission approval for funding Gainesville Police Department's Legal Office operating expenses for FY 2006-2007.

Explanation: The requested funding is needed to cover the Gainesville Police Department Legal Office expenses related to case filing fees, research, publication requirements and storage fees on the seized property for FY 2006-2007.

Fiscal Note: The \$15,000 expenses are necessary in the processing of forfeiture cases. If this request is not paid from the Law Enforcement Contraband Forfeiture Trust Fund, it would need to come from the general fund. Funds are currently available in the State Law Enforcement Contraband Forfeiture Trust Fund account and is allowable under F.S. 932.7055(4)(a). The balance in the account is \$32,500.

RECOMMENDATION

The City Commission authorize the Gainesville Police Department to appropriate \$15,000 from the State Forfeiture Fund balance account (108-2710) into line item 108-810-H105-5210-3910.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****050747****Interlocal Agreement with Alachua County and the Alachua County Housing Authority for Operation of the Local Office on Homelessness (B)**

The City Commission is requested to approve an interlocal agreement for operation of the local Office on Homelessness.

Explanation: On January 23, 2006, the City Commission authorized the development of an interlocal agreement between the City of Gainesville, Alachua County, and the Alachua County Housing Authority for the creation and operation of a local Office on Homelessness under the direction of the Alachua County Housing Authority. The interlocal agreement provided for services related to

implementation of the City of Gainesville-Alachua County 10-Year Plan to End Homelessness to be funded by the Alachua County Housing Authority through September 30, 2006. At its May 22, 2006, meeting, the City Commission approved the continuation of the arrangement with the County and Housing Authority for two years with funding to be provided on a 50-50 basis from the City and County (\$36,000 per year for each entity). This proposal was reaffirmed in the June 20, 2006, joint City/County Commission meeting with Alachua County agreeing to provide its half of the costs for two years beginning October 1, 2006.

Both the City and County Commissions stipulated that the interlocal agreement for operation of the Office on Homelessness be brought back for their approval. The proposed interlocal agreement outlines the staffing level to be provided, as well as the responsibilities and obligations of the Office on Homelessness. Among those responsibilities is the issuance of a request for proposals (RFP) for a one-stop homeless assistance center. Other duties and responsibilities are indicated in the attached interlocal agreement.

Fiscal Note: The City Commission has approved \$72,000 (\$36,000 per year for two years) from previously budgeted funds for operation of the Office on Homelessness. Alachua County will match this amount for the same two-year time period.

RECOMMENDATION

The City Commission approve the interlocal agreement between the City of Gainesville, Alachua County, and the Alachua County Housing Authority for operation of the Office on Homelessness and authorize the Mayor to execute the agreement on behalf of the City, subject to review by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission defer action on the interlocal agreement.

Legislative History

12/15/05	City Commission	Approved as Recommended with Modification(s) (5 - 0 - 2 Absent)
4/13/06	City Commission	Approved, as shown above (Motions)
5/22/06	City Commission	Approved as shown above (See Motion) (6 - 1)
6/20/06	City Commission	Discussed

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060452.**Fire Station Alerting Systems (NB)**

This item requests that the City Commission authorize the City Manager to negotiate a contract to replace the current Fire Station Alerting system.

Explanation: In July 2005 the Insurance Services Office, Inc. informed the City Manager's office of the results of its 2004 Public Protection Classification survey for the City of Gainesville. This survey is completed once each 10 years and is used to assign the fire insurance rating for the jurisdiction. Gainesville previously maintained a class 3 rating which requires a score of 70%. The 2004 survey resulted in a total credit of 66.47% with a deficit of 3.53%. The ISO allows municipalities to maintain their current rating if they are able to identify a plan to upgrade their services to achieve the required credit. A component of the survey, "Receiving and Handling Fire Alarms" includes "Credit for Dispatch Circuits" for radio paging systems, also called station alerting systems. Gainesville Fire Rescue currently relies on an antiquated VHF station alerting system that has no monitoring system for circuit integrity. The station alerting system received 6.15% out of a possible 10.00%. Upgrading the station alerting system will result in a gain of 3.85% and will provide sufficient credit for ISO to maintain a Public Protection Classification of 3 for the City of Gainesville. Additionally, the current station alerting system provides sequential dispatching of units, one at a time, requiring up to 60 seconds to page multiple stations and units, while an upgraded station alerting system that will integrate with Gainesville Regional Utilities' 800 MHz Motorola Trunked Radio System (TRS) will allow simultaneous paging of units thereby reducing the amount of time required to deliver services to the community. In February 2006, the City Commission approved the designation of funds from the Capital Improvement Revenue Bond Series 2005 to purchase an upgraded station alerting system. Staff issued an RFP on August 14, 2006 with a projected award date of October 6, 2006.

Fiscal Note: \$300,000 from the CIRB has been designated to execute this project.

RECOMMENDATION

The City Commission authorize the City Manager or designee to enter into a contract with the awarded proposer subject to approval of the City Attorney as to form and legality.

Alternative Recommendation A: The City not enter into a contract to upgrade the station alerting system. The result would be the degradation of the Public Protection Classification rating of 3 to a rating of 4.

060547.**Fire Services Assistance Agreement (B)**

This item presents a Fire Services Agreement between the City of Gainesville and Alachua County that replaces the existing Designated

Assistance Agreement.

Explanation: On August 29, 1996, the City of Gainesville and Alachua County entered into the "Designated Assistance Agreement" (DAA) to provide fire protection services between the two entities. The DAA included the concept of closest unit response with a provision to deviate from that concept when either jurisdiction deemed prudent to do so. In addition, the method of payment under the DAA used an average of four formulas and a six-month reconciliation period for determining cost and call load data. It has become apparent that many aspects of the DAA have become somewhat obsolete and in need of change.

On March 27, 2006, the Gainesville City Commission directed staff to begin negotiating with the County to amend the DAA. An extensive review of the DAA by a team consisting of Alachua County staff and City of Gainesville staff resulted in a recommendation to repeal the DAA and develop a new agreement.

This Fire Services Assistance Agreement (FSAA) provides for fire protection services between the City of Gainesville and Alachua County with the following major changes:

1) *Response and Response Area*

- All areas, with the exception of the University of Florida Campus, will provide for the closest unit response;
- The Urban Reserve Area map will serve as the response area with a few minor additions (see map);

2) *Fire Stations*

- Future locations will follow the Fire/EMS Services Master Plan dated October 2004.

Future locations that do not follow the Master Plan will not be included in reimbursement calculations unless otherwise agreed by both parties.

- Fire Stations included in the agreement will include Station 8 and the relocation of Station 17 as these stations have been included in the current budget.
- Apparatus covered will include brush trucks.

3) *Method of Payment* - Monthly reimbursement calculations will be based on a combined average cost per call (Current Budgets/Prior Year Call Load) and current monthly call loads. This will provide a more real-time reimbursement of costs. A reconciliation comparing budgeted costs to actual costs will occur within 90 days of the end of the fiscal year. This change will simplify the reimbursement and eliminate the extended delay in reconciliation and payment.

Fiscal Note: In 2005, under the Designated Assistance Agreement, the City received approximately \$86,275 reimbursement from the County for fire services assistance. The FY 2007 budget includes approximately \$132,000 reimbursement for fire services assistance. The changes in this Agreement result in a more equitable and simplified reimbursement calculation and have a minimal fiscal impact.

RECOMMENDATION

The City Commission: 1) adopt the Fire Services Assistance Agreement effective October 1, 2006.

*Alternative Recommendation A:
The City Commission continue to operate under the
current Designated Assistance Agreement.*

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GENERAL MANAGER FOR UTILITIES

060569.

Final Rate and Fuel Costs Comparisons (B)

Staff will present a presentation on the purchased gas and fuel adjustments, their relationship to base rates, and receive updated rate comparisons with other utilities.

Explanation: Once the fiscal year begins, rate increases and decreases for our comparison cities and utilities are available. Staff has revised the rate comparisons presented during the FY 2006-2007 budget to include final adopted rates. The presentation will show GRU rates compared to other Florida utilities.

In conjunction with adopted rates, utilities also pass on the cost of fuel to the customer. GRU calculates a monthly fuel adjustment and purchased gas adjustment. The Investor Owned Utilities in Florida have fuel adjustments approved by the Florida Public Service Commission. The fuel adjustment reflects the costs for fuel for generation. Fuel costs vary through the year due to weather, hurricanes, fuel availability and the scheduled outages for GRU units. The fuel adjustment is levelized to keep the cost of the spring Deerhaven 2 outage from negatively impacting customers.

The purchased gas adjustment is the calculation of the cost of fuel for the natural gas distribution system. It reflects natural gas purchased for business and residential uses, such as cooking and heating. The purchased gas adjustment is calculated monthly and divided into two seasons, winter (October to March) and summer (April to September). Staff will provide an explanation of fuel cost pass through in conjunction with the rate comparisons with other utilities.

RECOMMENDATION

The City Commission hear a presentation from staff on the purchased gas and fuel adjustments, their relationship to base rates, and receive updated rate comparisons with other utilities.

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060573.

Financing Item Related to Future Debt Issuance (NB)

The Utility will need to issue debt in the future to finance a portion of the capital improvement program. Long-term interest rates are currently close to their historic lows. There is an opportunity to enter into an interest rate swap to hedge future bond rates. The Utility staff and our Financial Advisor recommend that any of the interest rate swap transactions be

accomplished through a competitive selection process. Capturing the current favorable interest rate environment will allow the Utility to issue future new money debt at low rates, which will help hold down future debt service costs.

Explanation: To support the Utility's capital improvement program, the Utility will need to issue debt in the future to finance a portion of these planned expenditures. Although long-term interest rates are currently close to their historic lows, it is too far in advance for the Utility to sell bonds for these future capital needs. There are however, financing alternatives that enable the Utility to capture current market conditions for a financing that would not occur until one or two years in the future. With the assistance of PFM, we are monitoring various options to capture the benefit of this favorable interest rate environment, even though we do not need the construction funds at this time. These options will allow us to obtain a high degree of certainty for a portion of our future debt service costs, and potentially generate significant savings, by financing future bond needs at current market rates. The most efficient method of locking in the current market is to enter into an interest rate swap to hedge future bond rates. In most markets it can be quite costly to lock-in future rates. This cost comes in the form of a "forward premium". The forward premium is the difference between current market rates and the available rates for a future (or forward) financing that can be locked-in today. Currently, the forward premiums for interest rate swaps are as low as they have been for decades. The combination of (1) low actual rate levels and (2) the low additional forward premium to capture these rate levels for a future financing make this an opportune time to fix costs on a portion of our future capital needs. This will significantly reduce our exposure to potentially rising interest rates. The Swap options that we are currently evaluating have the Utility paying a fixed swap rate and receiving either (1) the BMA Municipal Swap Index (a tax-exempt floating rate index); or (2) a percentage of LIBOR (a taxable floating rate).

If approved, the Swap will be structured in a way that will allow the Utility to terminate the Swap and issue fixed-rate bonds in the future. If interest rates increase by the future termination date, the Swap counterparty will owe the Utility a termination payment. The receipt of the termination payment will allow the Utility to reduce the size of its bond issue and still fund the anticipated capital expenditures. The lower amount of future bonds issued at the then higher rates will have debt service requirements approximately equal to the full amount of bonds sold at today's lower rates. The goal is to fix the Utility's future debt service payments regardless of interest rate changes. If interest rates decrease, the reverse of this mechanism will take place. The Utility will owe a termination payment to the Swap counterparty. The payment will be financed with a larger amount of future bonds that will be issued at lower rates. Again, debt service should remain approximately the same as a result. With either scenario, the net future borrowing cost will effectively be established when the Swap is entered into. The Swap could also be structured to remain in place on the forward start date, with the Utility issuing floating-rate bonds on that date.

In the case of each of the financing options described above, the optimal solution will depend on market conditions and debt structure existing both at the time of the execution of the Swap and at the time of the subsequent issuance of debt. Thus, since it can not currently be known which option will be better for

us, we recommend that staff and our Financial Advisor continue to monitor the market to select the best alternative when entering into the Swap, and when issuing the debt related to the Swap.

This delegation authorizes the Interim General Manager or her designee: (i) to determine, among other things: (a) the notional amount of the Swap; (b) the term of the Swap and the amortization schedule; c) the indices upon which both payments to and from GRU will be based; and d) the optimal process for selecting the Swap counterparty or counterparties; provided, however, that: (1) the maximum notional amount of the Swap shall not exceed \$150 million; (2) the term of the Swap shall not be later than October 1, 2042 and the notional amount of the Swap shall amortize in such a manner as will result in the greatest amount of annual debt service on the associated bonds to be issued being not in excess of 150 percent of the smallest amount of annual debt service on such bonds, assuming that such bonds bear interest at the fixed rate payable by the Utility pursuant to the Swap; (3) the fixed rate payable by the Utility pursuant to the Swap shall not exceed 4.50% percent; and (4) the floating rate payable to the Utility pursuant to the Swap shall be either the BMA Municipal Swap Index or a percentage of LIBOR not less than 65 percent nor greater than 80 percent; and (ii) to enter into such documents evidencing the Swap (including, without limitation, a Confirmation under the ISDA Master Agreement currently in effect between the Utility and each selected Swap counterparty) as she determines are necessary or appropriate, subject to the approval of the Office of the City Attorney as to form and legality.

GRU staff and our Financial Advisor recommend that any of the interest rate swap transactions referred to above be accomplished through a competitive selection process with Goldman Sachs, Bear Stearns, and JP Morgan constituting the pool of potential counterparties. These three firms have brought significant value to the Utility in the form of solid recommendations for financing opportunities, familiarity with the Utilities Bond Resolution, and work concerning future debt issues. They have also been active participants in both competitively bid and negotiated swap transactions. Given the fact that all three firms have been consistent, strong performers on competitively bid swap transactions, the Utility and its Financial Advisor are confident that selecting from among these firms assures that the Utility will receive aggressive market rates for this transaction.

The Clerk of the Commission, the General Manager or other Authorized Officers of the City (as defined in the Utilities Bond Resolution) may be required to take certain other actions and hire certain other professionals to proceed with this transaction. Therefore, we recommend that these officials be authorized to take such other actions as may be necessary or desirable to proceed with the transaction in accordance with this City Commission authorization and delegation.

Fiscal Note: Capturing the current favorable interest rate environment will allow the Utility to issue future new money debt at low rates, which will help hold down future debt service costs. Current market rates are below those used by the Utility in developing its forward financial projections. Locking in these rates will enable the Utility to achieve debt service costs that allow it to improve upon expectations.

RECOMMENDATION

The City Commission: 1) Authorize the execution of one or more "floating-to-fixed" interest rate swap transactions, subject to the limitations set forth below (collectively, the "Swap"); 2) Authorize the Utility to work with its Financial Advisor, Public Financial Management ("PFM"), to utilize a competitive process that will select one or more counterparties to provide the Swap from among a group to include Goldman Sachs, Bear Stearns, and JP Morgan; 3) Approve the designation of the Swap as a "Qualified Hedging Contract" within the meaning of the City's Amended and Restated Utilities System Revenue Bond Resolution ("Utilities Bond Resolution"), and authorize the securing of the Swap under the Utilities Bond Resolution; and 4) Authorize the Clerk of the Commission, the Interim General Manager and other Authorized Officers to enter into such documents evidencing the Swap (including, without limitation, a Confirmation under (and as defined in) the International Swaps and Derivatives Association, Inc. ("ISDA") Master Agreement currently in effect between the Utility and each selected Swap counterparty) as they determine are necessary or appropriate, subject to approval of the Office of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with this transaction in accordance with this City Commission authorization.

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

050167

City Commission Contingency Funding Allocation Policy (B)

This item recommends a policy and procedure for requesting funds from the City Commission Contingency.

Explanation: On July 11, 2005, the City Commission referred this item to the Personnel & Organizational Structure Committee. Staff conducted a survey of 14 peer cities

to determine if they have a policy or other written guidelines for allocating contingency funds. Most of the cities responding did not have a formal policy.

Staff reviewed allocations granted over the last five years and developed a draft policy and procedure based on the categories reflected in those allocations.

The draft policy outlines two types of requests: Outside Agency Requests and Internal Requests from City Departments. Each request must demonstrate a public purpose to be eligible for funding. Each request requires that the proper form be completed and submitted to the City Manager's office for review. Upon approval by the City Manager, the request will be placed on the City Commission agenda for approval by the elected body.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) approve the City Commission Contingency Policy and the related request forms; and, 2) approve removing this item from the Personnel & Organizational Structure Committee referral list.

Legislative History

7/11/05	City Commission	Referred (7 - 0)	Personnel and Organizational Structure Committee
8/2/05	Personnel and Organizational Structure Committee	Discussed	
10/4/05	Personnel and Organizational Structure Committee	Heard	
1/17/06	Personnel and Organizational Structure Committee	Discussed	

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ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)**PROCLAMATIONS/SPECIAL RECOGNITIONS****060542. National DECA Week - October 8-14, 2006 (B)**

RECOMMENDATION *Buchholz High School DECA Club President Julia Sander, Vice President Victoria Lauramoore, and Advisor Dianne Lauramoore to accept the proclamation.*

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060543. "Put the Brakes on Fatalities Day" - October 10, 2006 (B)

RECOMMENDATION *Bicycle/Pedestrian Advisory Board Community Traffic Safety Team Member Maxine Stallings to accept the proclamation.*

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060544. Conflict Resolution Day - October 19, 2006 (B)

RECOMMENDATION *Alternative Dispute Resolution Director for the Eighth Judicial Circuit Robin Davis, Esq. to accept the proclamation.*

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060574. United Nations Day in Gainesville - October 19, 2006 (B)

RECOMMENDATION *Gainesville Chapter of the UN Association UN Day Committee Chair Elizabeth Renner to accept the proclamation.*

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CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****060535. Resolution Authorizing an Exclusive Franchise for Solid Waste Services to Commercial Property (B)**

A Resolution of the City Commission of the City of Gainesville, Florida, electing to authorize one or more exclusive franchises for the provision of solid waste services to commercial property or to provide such services itself or through another local government, to take effect on or about October 10, 2009; providing an effective date.

Explanation: The City of Gainesville established a long-standing relationship on solid waste management with Alachua County in the early 1980s when the City started taking solid waste to the County's landfill. In December of 1998, the County opened the Leveda Brown Environmental Park and Transfer Station and entered into a contract with the New River Solid Waste Authority for final disposal of municipal solid waste. The City also entered into an interlocal agreement with the County to direct all residential solid waste to the County transfer station.

In 2004, the County was faced with a budget shortfall due to a shortage of tonnage coming into the transfer station. The shortage was tied directly to the commercial waste stream not being delivered to the transfer station. The financial stability of the transfer station is dependent upon receiving all of the waste in the County.

In an attempt to secure the delivery of all commercial waste generated in the City to the County transfer station, the City Commission approved a revised Interlocal agreement between the City and the County allowing commercial haulers to pay a lower disposal rate than the rate the City was paying. In order for the local haulers to receive this lower disposal rate, they were required to sign an agreement that guaranteed all commercially collected refuse in the County would be delivered to the County Transfer Station. Although these steps have been taken, other measures are being reviewed to further secure the solid waste stream for the County's transfer station.

One approach to further guarantee the delivery of commercial waste streams from City businesses to the County Transfer Station is to implement exclusive franchised solid waste services for commercial property. Franchising services to commercial property would also enhance our next bid for residential curbside collection by increasing the appeal of our contract to potential bidders.

Section 403.70605, Florida Statutes, provides that a local government may not displace a private company that provides garbage, trash or refuse collection service without holding a public hearing. The local government must send 45 days notice of the hearing by first class mail to each company. After the public hearing, the City Commission can adopt the Resolution. Adopting the Resolution provides the solid waste haulers with an additional notice of the City's intent to franchise commercial solid waste collection. This would also coincide with the bidding of the residential curbside collection service. Initiating this process does not require the City to implement franchised commercial collection; however, it starts the 3-year notice period. Continuing this process supports a partnership approach to Solid Waste Management with Alachua County.

RECOMMENDATION

The City Commission adopt the proposed Resolution.

Alternative Recommendation: The City Commission

not adopt the proposed Resolution.

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ADOPTION READING-ROLL CALL REQUIRED

060229

LAND USE CHANGE - UNIVERSITY HEIGHTS NEIGHBORHOOD (B)

Ordinance No. 0-06-81, Petition 91LUC-06PB

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use category of certain properties, as more specifically described in this ordinance from “Residential High Density (8-100 units per acre)” to “Urban Mixed-Use 2 (UMU-2: up to 100 units per acre)”; consisting of approximately five acres, located in the vicinity of the University Heights neighborhood, generally bounded on the north by Southwest 3rd Avenue, on the west by Southwest 13th Street, on the east by SW 12th Terrace and on the south by Southwest 5th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The 13 subject properties total approximately 5 acres and are currently developed as multi-family apartments, a Mormon student center, and fraternities. (The sole parcel with Office land use and zoning has been dropped from the originally contemplated petition pertaining to 14 parcels.) One of the 13 parcels is a real estate office. The 13 parcels are located by an area bounded by Southwest 13th Street, Southwest 5th Avenue, Southwest 12th Street, and Southwest 3rd Avenue.

The proposed Urban Mixed-Use 2 (UMU-2: up to 100 units per acre) land use is compatible with the Residential-High and Urban Mixed-Use 2 land uses adjacent to the north and east, and the Education (University of Florida campus) land use adjacent to the south and west. This petition is related to Petition 92ZON-06PB, which proposes UMU-2 (Urban Mixed-Use) zoning.

The office, retail, research and high-density residential uses allowed in UMU-2 generally are considered to be compatible with high-density residential, education and office uses.

The Plan Board heard the petition and voted to recommend approval.

Public notice was published in the Gainesville Sun on July 4, 2006. Letters were mailed to surrounding property owners on July 5, 2006. The Plan Board held a public hearing July 20, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 91LUC-06 PB. Plan Board vote 4-0.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission: 1) approve Petition 91LUC-06PB; and 2) adopt the proposed ordinance.*

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060231

REZONING - UNIVERSITY HEIGHTS NEIGHBORHOOD (B)

Ordinance No. 0-06-82, Petition No. 92ZON-06PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from "RH-2: 8-100 units/acre residential high density district" to "Urban Mixed-Use District (UMU-2)"; consisting of approximately five acres, located in the vicinity of the University Heights neighborhood, generally bounded on the north by Southwest 3rd Avenue, on the west by Southwest 13th Street, on the east by SW 12th Terrace and on the south by Southwest 5th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The 13 subject properties total approximately 5 acres and are currently developed as multi-family apartments, a Mormon student center, and fraternities. (The sole parcel with Office land use and zoning has been dropped from the originally contemplated petition pertaining to 14 parcels.) One of the 13 parcels is a real estate office. The 13 parcels are located by an area bounded by Southwest 13th Street, Southwest 5th Avenue, Southwest 12th Street, and Southwest 3rd Avenue.

The proposed Urban Mixed-Use 2 (UMU-2) zoning is compatible with the RH-2 (8-100 unit/acre residential high density district) and Urban Mixed-Use 2 zoning adjacent to the north and east, and the ED (education) zoning adjacent to the south and west. This petition is related to Petition 91LUC-06PB, which proposes UMU-2 (Urban Mixed-Use: up to 100 units per acre) land use.

The Plan Board heard the petition and voted to recommend approval.

Public notice was published in the Gainesville Sun on July 4, 2006. Letters

were mailed to surrounding property owners on July 5, 2006. The Plan Board held a public hearing July 20, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 92ZON-06 PB. Plan Board vote 4-0.

RECOMMENDATION *The City Commission: 1) approve Petition No. 92ZON-06PB; and 2) adopt the proposed ordinance.*

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

060104.

SOUTHWEST 13TH STREET SPECIAL AREA PLAN (B)

Ordinance No. 0-06-87; Petition 66TCH-06 PB

An ordinance of the City of Gainesville, Florida, amending Appendix A of the Land Development Code, relating to the 13th Street Special Area Plan, adding exceptions to development standards for development proposals processed as a Planned Development; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT
This is a request to allow Planned Developments (PD) to be eligible for additional exceptions to the development standards of the Southwest 13th Street Special Area Plan. Currently, developments within the Southwest 13th Street Special Area District may be exempt from some standards, as described in subsection (e), subject to board or staff review.
The amendment, as proposed, would allow exceptions to the following additional standards: building orientation, bicycle parking, signs, trash and recycling receptacles and loading docks, building wall articulation and mechanical equipment placement.*

The Plan Board heard and approved this Petition on June 15, 2006, and the City Commission at its August 14, 2006 meeting heard and approved the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, October 23, 2006.

Fiscal Note: None

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/14/06 City Commission Approved (Petition) (7 - 0)

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060563.**LANDLORD PERMITS (B)****Ordinance No. 0-06-104**

An ordinance of the City of Gainesville, Florida, relating to landlord permits; amending section 14.5-2 of the Code of Ordinances, providing for an additional written warning to a landlord or agent when one point is assessed; providing a severability clause; providing a repealing clause; and providing an effective date of November 1, 2006.

Explanation: At its meeting of September 11, 2006, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the landlord permit ordinance to require the City to provide an additional written warning to landlords when one point is assessed on a landlord permit. Presently, the code provides for a written warning to be issued after three points are assessed.

The City Attorney has placed this on the October 9th agenda in order for second reading to occur on the October 23rd agenda, in conjunction with the second reading of the amendment to the noise ordinance (Ordinance No. 0-06-75).

This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, October 23, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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060457.**WASTEWATER PRETREATMENT ORDINANCE (B)****ORDINANCE NO. 0-06-106**

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO WASTEWATER PRETREATMENT AND CROSS CONNECTION CONTROL PROGRAMS; AMENDING CHAPTER 27 OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SECTION 27-96, DEFINITIONS; AMENDING SECTION 27-180.1 PRETREATMENT PROGRAM - PROHIBITED SUBSTANCES; AMENDING SECTION 27-180.7 PRETREATMENT PROGRAMS - ENFORCEMENT AND APPENDIX A UTILITIES (4) SEWERAGE SUBSECTION d, RELATING TO RATES FOR EXCESS STRENGTH WASTEWATER DISCHARGED INTO THE CITY'S WASTEWATER SYSTEM; AMENDING SECTION 27-135 CROSS CONNECTION CONTROL PROGRAMS; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE AND AN IMMEDIATE EFFECTIVE DATE.

Explanation: Executive Summary:

Utilities staff has conducted a legally required review of the industrial pretreatment program and has determined several changes are necessary to comply with applied state regulations. Staff is taking this opportunity to also correct a regulatory reference in the cross connection control ordinance.

Explanation:

Every five years, the industrial pretreatment limits are re-evaluated as part of the requirements set by the Florida Department of Environmental Protection. The industrial pretreatment limits set the maximum allowable concentrations of certain wastewater constituents that can be discharged to the wastewater collection system. These limits are important to reduce releases from the collection system, prevent upsets at the treatment plants and protect the environment. The new limits are not anticipated to impact any existing customers.

Additionally, the City Code pertaining to the cross connection control program needs to be changed to reference the current section of the Florida Administrative Code that pertains to cross connection control. The cross connection control program is administered by GRU staff to protect the drinking water supply from hazards on the customer side of the meter.

Fiscal Impact:

There will be no fiscal impacts associated with these ordinance revisions.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/11/06 City Commission Approved as Recommended (4 - 0 - 3 Absent)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

060433.

CHAPTER 27 AND APPENDIX A – TURN-ON OF UTILITY SERVICES (B)

Ordinance No. 0-06-89

AN ORDINANCE AMENDING CHAPTER 27, ARTICLE 1, SUBSECTION 27-15(a) OF THE CODE OF ORDINANCES OF GAINESVILLE, FLORIDA RELATING TO SAME DAY AND AFTER HOURS INSTALLATION OR TURN-ON OF UTILITY SERVICES; AND AMENDING APPENDIX A, UTILITIES SECTION (7), SUBSECTION b. SERVICE CHARGES BY INCREASING CERTAIN ADDITIONAL CHARGES FOR SAME DAY OR AFTER HOURS INSTALLATION OR TURN-ON OF SERVICE; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: Background:

In the Proposed Budget for the Combined Utilities System, the Interim General Manager made a recommendation to increase same day service fee from \$20 to \$40 and eliminate the after-hours fees for turn-ons performed on workdays other

than the weekend or holidays. The single fee would replace the assessment of up to three (3) fees for unscheduled, same day turn-on service.

The Utilities Attorney has reviewed the impact of ADA and finds it has no applicability to this service.

The change will be effective immediately upon adoption.

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

Legislative History

9/11/06 City Commission Adopted on First Reading (Ordinance) (6 - 1)

9/25/06 City Commission Continued (2nd Reading) (7 - 0)

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060113.

SOLICITATION ORDINANCE AND SETTLEMENT AGREEMENT (B)

Ordinance No. 0-06-94

An ordinance of the City of Gainesville, Florida, amending Chapter 19 of the Gainesville Code of Ordinances entitled “Peddlers, Solicitors and Canvassers”; amending Article II, Section 19-17 to prohibit solicitation, peddling and canvassing in streets and right-of-way; prohibiting the knowing obstruction of pedestrian or vehicular traffic; adding a new subsection (c) of Article II, Section 19-17 limiting the scope of right-of-way; clarifying limitations on soliciting, peddling and canvassing; amending Article III, Section 19-54 to prohibit the knowing obstruction or interference with vehicular or pedestrian traffic; adding new section (k) of Article III, Section 19-17 limiting the scope of right-of-way; amending Article IIIA, Section 19-80 by adding a new Section 4 making it unlawful to remain in a traffic lane when a traffic control signal allows traffic to flow in that lane; changing the title of Chapter 19, Article V; amending Article V, Section 19-112 clarifying permit requirement when fundraising activity on a street or right-of-way within the city is on behalf of a nonprofit agency and limiting the scope of right-of-way; amending Section 19-113 by providing alternative methods of complying with insurance requirement; providing for waiver of insurance under certain circumstances; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Explanation: On August 14, 2006, the City Commission approved the Public Safety Committee's recommendation to authorize the City Attorney to prepare the necessary ordinance amendments to Chapter 19. The amendments are derivative of Chase, et al. v. City of Gainesville and Alachua County Sheriff's Office. The parties have negotiated a Partial Settlement Agreement in this case.

The Partial Settlement Agreement acknowledges that the City will continue its non-enforcement of Sections 316.2045 and 337.406 Fla. Stats 2006, which have been declared unconstitutional.

The Partial Settlement Agreement acknowledges that standing on a public sidewalk holding a sign requesting funds while not violating any lawful statute or ordinance, is a protected first amendment activity and that the City will not enact or amend ordinances to prohibit the protected activity.

The Partial Settlement Agreement acknowledges that the City will amend portions of its solicitation ordinance, which may have been construed to regulate the protected activity.

The City's panhandling ordinance is not affected by the Partial Settlement Agreement.

Correction has been made in the insurance section to change the activity addressed from special event to solicitation.

RECOMMENDATION

The City Commission: (1) adopt the proposed ordinance, and (2) authorize the City Attorney to execute a Settlement Agreement in the case styled Judith Chase, Ollen Rogers and Joseph Nelson v. City of Gainesville and Alachua County Sheriff's Office; United States District Court Case No. 1:06cv44SPM/AK.

Legislative History

6/12/06	City Commission	Approved as Recommended (7 - 0)	
6/12/06	City Commission	Referred	Public Safety Committee
7/13/06	Public Safety Committee	Discussed	
8/14/06	City Commission	Approved as Recommended (4 - 0 - 3 Absent)	
9/25/06	City Commission	Adopted on First Reading (Ordinance) (7 - 0)	

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060428.

SEXUAL PREDATOR/OFFENDER RESIDENCY RESTRICTIONS (B)

ORDINANCE 0-06-88 (B)

An ordinance of the City of Gainesville relating to Section 17-32 by removing Wacahoota Archery Range and Park from and adding Spring Hill Park and Woodlawn Park to the list of parks within the city limits which prohibit child sexual offenders and predators from living within 2,500 feet of the park; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Explanation: The City Commission on September 11, 2006 authorized the City Attorney to draft and the Clerk of the commission to advertise an ordinance amending section 17-32 by removing Wacahoota Archery Range and Park and adding Spring Hill Park and Woodlawn Park from the list of parks within the city limits which prohibit child sexual offenders and predators from living within 2,500 feet of the park.

The Recreation Director has investigated the operation of the John Mahon Park utilizing the city's definition of parks, and has determined that it should be added to the list of parks. A request to draft another ordinance to include the John Mahon Park is being requested at this time.

RECOMMENDATION

The City Commission: (1) Authorize the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance adding John Mahon Park to the list of parks; and (2) adopt the proposed ordinance.

Legislative History

9/11/06 City Commission Approved as Recommended (4 - 0 - 3 Absent)

9/25/06 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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RESOLUTIONS- ROLL CALL REQUIRED**PLAN BOARD PETITIONS****DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**