

City of Gainesville

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



Meeting Agenda

April 11, 2005

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER - 1:02 PM

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

Father John Gillespie, St. Augustine Church, 1738 W. University Avenue, Gainesville, FL 32603

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

041153

Reappointment of Bob Freeman to the East Gainesville SPROUT Project Task Force (B)

Explanation: Bob Freeman's term expires April 14, 2005. Mr. Freeman has expressed a desire to continue serving on the Task Force. The reappointment would be for three more years, ending April 14, 2008.

Fiscal Note: None

RECOMMENDATION

Reappoint Bob Freeman to the East Gainesville SPROUT Project Task Force for another three-year term ending April 14, 2008.

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041154

FEMA Hazard Mitigation Grant Applications (B)

Explanation: The City of Gainesville participates in the Alachua County Local Mitigation Strategy (LMS), and has numerous hazard mitigation projects listed within it. On July 12, 2004, (references: File Number 040145 and Resolution #040145),

the City Commission identified the FEMA Pre Disaster Mitigation Grant and FEMA Hazard Mitigation Grant Programs as suitable funding sources for hazard mitigation projects, and requested and instructed staff to pursue available funding opportunities for implementing the proposals listed.

States are among the eligible applicants for these funds. Local jurisdictions must apply to the state requesting to be a sub-grantee of the State. In compliance with City Commission direction, staff is preparing to submit grant applications for FEMA hazard mitigation grant funds. These applications are undergoing review by the State, and if successful, will be forwarded by the State to FEMA for a funding determination.

The hazard mitigation grant projects, the cost of each, the FEMA funds and the required match are shown in the back-up material.

Fiscal Note: Each successful FEMA Pre Disaster Mitigation or Hazard Mitigation grant project will require a 25% match. Funds are available from the proceeds of the 2005 First Florida Governmental Financing Commission Bond Issue.

RECOMMENDATION

The City Commission: 1) authorize the Interim City Manager to apply for FEMA Mitigation Grants for each of these mitigation projects; and if awarded, 2) authorize the encumbrance of the required matching funds; 3) execute the grant agreements, subject to approval by the City Attorney as to form and legality; and 4) authorize the Interim City Manager to approve the required payments process for expending grant funds as needed.

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041155

Special Area Plan for Southeast Gainesville Renaissance Initiative Area (B)

Explanation: The City is proposing an initiative for the renaissance of the Southeast Gainesville area, as an implementing step to carry forward the work of Plan East Gainesville. Staff is exploring the possible purchase of parcels with the goal that the City would prepare requests for proposals for mixed-income residential development and then transfer the properties to private developers for development within established guidelines set forth in the request for proposal. The City would look to the CRA to partner with redevelopment activities along Hawthorne Road and to the school board to partner with short- or long-term improvements to school parcels. Staff will present the various specific aspects of the proposed renaissance initiative after initial consulting work is completed.

For now, one step in the process of laying the groundwork for such an effort is to put in place fundamental site design guidelines for any new commercial, mixed-use or multi-family development within the planning area. The proposed special area plan would be similar to the Traditional City zoning though with somewhat simplified rules and more "relaxed" (slightly further from the street) build-to lines.

Staff has already initiated, and the City Plan Board has already recommended approval for, a special area plan overlay along these lines for the Five Points area, as called for as a specific implementing step in Plan East Gainesville. That will reach the City Commission soon as a petition/ordinance. The proposal now is to initiate a petition to take that further geographically and apply it to the proposed Southeast Gainesville Renaissance Initiative area.

Fiscal Note: None

RECOMMENDATION

The City Commission initiate a petition to the City Plan Board to create a special area plan with simple site design rules as an overlay zoning district for the Southeast Gainesville Renaissance Initiative area, to apply to all zoning districts and development types except industrial and single-family development.

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041156

Request for Proposals for the Management and Operation of a Public Access Channel (B)

Explanation: In the fall of 2004, the City Commission authorized staff to work with Alachua County to develop a joint Request For Proposals (RFP) for the management and operation of a public access channel. It was determined that the Request for Proposals would be issued through Alachua County's Purchasing Division. City and County staffs have been working to develop a very detailed RFP and to resolve inconsistencies between City and County purchasing policies and procedures. The Request for Proposals is now ready to be disseminated, and as requested, the document is being provided for Commission review prior to dissemination. If the Commission approves dissemination of this document, then staff will proceed through normal purchasing process as outlined in the Request For Proposals.

Fiscal Note: None

RECOMMENDATION

The City Commission approve the dissemination of the Request for Proposals for the Management and Operation of a Public Access Channel.

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041157

Approval to Purchase Pneumatic Traffic Roller (NB)

Explanation: The Streets Division of the Public Works Department utilizes Rollers in the repair and maintenance of the City's streets and other special projects. The Pneumatic Traffic Roller will replace G1494, which is seventeen (17) years old and whose cost effective life has been exhausted. Timely replacement will allow for maximum and safe utilization at a minimal cost. The price of the roller is \$51,758.

Fiscal Note: Funds are available in the Fleet Replacement Fund.

RECOMMENDATION

The City Commission approve the purchase of a Pneumatic Traffic Roller at a cost not to exceed \$51,758 as bid to the City of Tampa by Ring Power Corporation and to authorize the Interim City Manager or designee to execute the agreement for the Pneumatic Traffic Roller.

041158

Surplus Property Sale (NB)

Explanation: There are approximately 2,000 surplus property items stored at the City's Surplus Lot located at the Public Works Center on 39th Avenue. These surplus items consist of scrap materials, office equipment, furniture, construction equipment, vehicles, abandoned and unclaimed property and miscellaneous items. The surplus property auction is planned for Saturday, May 14, 2005.

Fiscal Note: The City expects to generate revenues in excess of \$200,000 as a result of the auction. At the \$200,000 level, the cost to the City would be \$12,500 based on the 6.25% auctioneer's contracted rate.

RECOMMENDATION

The City Commission declare all materials, equipment and vehicles presently stored at the Surplus Lot as surplus property and authorize the sale of such property.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

041168

Additional Expenditures-Infrared Inspection Services Contract (NB)

Explanation: Infrared (thermographic) inspection is utilized by various GRU departments and plants to help determine the source of "hot spots" or problem areas on electric transmission and distribution lines or in electrical equipment and lines located within substations, plants or facilities. In addition, GRU offers infrared inspections to its customers as a service, which is reimbursed by the customer. Through the use of an infrared camera, an experienced technician is able to identify problem areas. The Contractor provides a written report and photographs of the findings which help GRU staff locate and repair the problem equipment.

The City Commission approved a three-year contract with McCabe & Associates for infrared inspection services on September 25, 2000. The contract allows for two (2) twelve-month extensions of the contract upon mutual agreement of the parties and negotiation of the contract prices. Amendments extending the term through FY 04 and FY 05 were executed on July 28, 2003

and October 1, 2004, respectively.

The demand for these services has increased over the term of the contract and expenditures under the contract are anticipated to be \$36,000 for FY 05.

Fiscal Note: Funding for infrared services is included in the Operation and Maintenance portion of the budgets.

RECOMMENDATION

The City Commission authorize additional expenditures under an existing contract with McCabe & Associates for infrared inspection services for FY 05, not exceeding budgeted amounts.

041169

Approval of Contract Amendment and Issuance of a Purchase Order for Wood Pole Inspection and Groundline Treatment (NB)

Explanation: The City Commission approved the award of a contract to Osmose, Inc. for wood pole inspection and groundline treatment of poles for FY 2003 on February 10, 2003. The contract allows for 2 (two) twelve-month extensions of the contract upon mutual agreement of the parties and negotiation of the contract prices. The City Commission approved an amendment to the contract with Osmose, Inc. extending the term through February 9, 2005. Osmose, Inc. has agreed to extend the contract for an additional twelve months with a 2 percent increase in the treatment costs. Osmose, Inc.'s request for an increase is based on the rise in fuel, preservatives and labor costs. The requested increase is in line with the CPI for the past twelve months. This extension represents the last of the two available under this contract.

The Electric Transmission and Distribution department uses wood pole inspection and groundline treatment to extend the useful life of wood poles by locating and treating wood decay by systematic inspection and preservative treatment, as required. This maintenance is preventative in nature and is designed to stop or retard groundline pole rotting. Wood pole inspection and treatment reduces replacement costs by lengthening the life of poles that are otherwise structurally sound.

Fiscal Note: Funding for wood pole inspection and groundline treatment is included in the Operation and Maintenance portion of Energy Delivery's budget.

RECOMMENDATION

The City Commission authorize the General Manager or his designee to execute an amendment to extend the contract with Osmose, Inc. for wood pole inspection and groundline treatment for a one-year period and approve the issuance of a purchase order to Osmose, Inc. in an amount not to exceed \$80,000.00.

041170**Wyngate Farms Release of Easement (B)**

Explanation: On April 6, 2004, a public utility easement was granted to the City for the purpose of providing water and gas service to a new home under construction on Lot 13 in Wyngate Farms subdivision. Prior to the utility facilities being installed, the owners redesigned the location of the utilities and granted a second public utility easement in a new location on their property on May 12, 2004. The utility facilities have been installed in the new easement area and the home is now complete. The owners of Lot 13 of Wyngate Farms have requested the City to release the original easement granted on April 6, 2004, and recorded in Official Record Book 2899, page 564 of the public records of Alachua County, Florida, as it is not necessary to retain it for utility purposes.

Staff is recommending approval of the request for the release of the easement granted to the City on April 6, 2004 and located on Lot 13 in Wyngate Farms subdivision. This request has no fiscal impact to the City.

RECOMMENDATION

The City Commission: 1) approve the release of a public utility easement located on Lot 13 in Wyngate Farms 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**041148****HOME OCCUPATIONAL PERMIT FEE, AMENDMENT TO APPENDIX A (B)**

Explanation: 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 restore the fees to Appendix A, City of Gainesville Code of Ordinances. An initial filing fee of \$60.00 to cover the cost of an inspection and issuing the permit shall be paid at the time of submitting the application. An annual permit-processing fee of \$10.00 shall be paid for each and every year. An additional fee of \$50.00 for the cost of re-inspection shall be paid every three (3) years. The fee is assessed per application submitted to the City.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and advertise an ordinance amending Appendix A of the City of Gainesville Code of Ordinances, Home Occupational Permit Fee.

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041151**COMMUNICATION TOWERS AND WIRELESS FACILITIES
(PETITION NO. 170-TCH-03 PB) (B)**

Explanation: In 2003, the Florida Legislature amended section 365.174, F.S., specifically subsection (11), regarding wireless services. On the auspices of enhancing the E911 service provision, in part the 2003 amendments encouraged collocation and tightened deadlines for a local government's grant or denial of applications for wireless facilities. Furthermore, with regard to local governmental regulation, consistent with federal code requirements, local governments are prohibited from requiring evidence of compliance with federal regulations.

Petition 170TCH-03 PB, regarding wireless facilities, was heard by the City Commission last March and again in June. At the March 2004 meeting, the Commission recommended approval; however, the Commission directed staff to work with the industry on outstanding issues. At the June 2004 petition hearing, the Commission approved the petition, but requested staff to further investigate what other communities do to encourage replacement of older towers; asked staff to review setbacks (claimed by the industry as excessive); and asked staff to investigate opportunities for camouflaged towers on public assembly-type buildings, even those located in residential areas.

With regard to the June Commission comments and concerns, Planning staff reports that the current Code contains replacement provisions in Sec. 30-98(5). This section remains in the pending petition and allows replacement of existing towers, even if the existing tower does not meet the minimum distance requirements, and allows the replacement of existing towers to allow for the collocation of one or more additional users. The height of the tower cannot be increased and the type of tower cannot be changed except that any type of tower may be replaced by a monopole.

On the issue of camouflage opportunities on public assembly-type structures, staff reports the tower placement in single family residential areas has not changed. Reportedly, many public assembly facilities are in PS, ED or CON zones that would allow camouflaged facilities and are reportedly intertwined throughout the community.

Following staff's review of the June 2004 industry concerns, the Office of the City Attorney received the petition in early September 2004 for preparation of an ordinance. One goal of the City Attorney's office in drafting any ordinance (especially one that is regulated by state and federal statutes) is to ensure consistency with federal and state law. Since receiving the current City petition, the City Attorney's office has recommended changes in an attempt to reaffirm the state's collocation goals and requirements as well as making other conforming and technical changes. Planning staff and this office have also discussed the proposed ordinance with attorneys who represent the industry for the purpose of addressing their specific legal and potentially legally related policy issues. Two issues which remain outstanding to the wireless industry, and which are contained in the current City draft document, are the setback requirements and the prohibition of new wireless structures in single-family

residential areas.

At this time, we recommend the proposed Ordinance (i.e., petition) be placed on a temporary hold pending current legislative activity. This is because in this legislative session a new wireless bill was filed in both the House and Senate (HB305 and SB602). The House bill was recently amended in committee with a strike-everything amendment that was reportedly agreed upon by the wireless industry, cities and counties.

The Committee Substitute for HB305 (CS/HB 305), if successful, will result in significant and preemptive changes in state law. In relevant part, CS/HB 305 will:

Redefine some terms, which are also contained in the proposed draft ordinance.

Change provisions for collocation by clarifying those provisions and dividing them into three types (collocation on existing towers, collocation on existing structures and other collocations).

Amend governmental review requirements for evaluation of wireless facilities.

Provide that setback and distance separation may not exceed the distance needed for structural safety or relevant aesthetic concerns.

Allow the banning of wireless facilities in a residential area only if the provider can serve that residential area.

Because it appears likely that the 2005 legislation will significantly change wireless regulations statewide, the City Attorney's office will continue to monitor the bills' progress through the House and Senate. If the legislature does not adopt the pending bill, then the ordinance will be presented to the Commission for first reading. Alternatively, if the pending bill is adopted, the proposed ordinance will be revised to conform to the new state law and then presented to the Commission for first reading.

On a related note, during the public hearing process the Commission asked Planning staff specific questions regarding the review process used for the replacement tower located at Gainesville Police Department and the antennas located on the top of the water tower on 5th Avenue. Both projects were developed by Gainesville Regional Utilities and went through minor staff review.

RECOMMENDATION

The City Commission approve the temporary postponement of this ordinance/petition pending action in the State legislative regular session at the recommendation of the Interim City Manager and City Attorney.

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041167**BELLSOUTH EASEMENT AT TUMBLIN' CREEK PARK (NB)**

Explanation: In the late 1960's the City acquired property to be used as a right-of-way for the Southwest 6th Avenue extension. During this period, the City of Gainesville issued Southern Bell (now BellSouth) a special use permit to install underground facilities within the proposed right-of-way. The proposed right-of-way included land that is currently a part of Tumblin' Creek Park. Subsequently, BellSouth installed the improvements.

For the last few years BellSouth has been in litigation regarding the special use permit. The litigation was resolved adversely to BellSouth, but BellSouth has expressed its intention to file an appeal. Recently BellSouth has submitted a request for the City to grant BellSouth a fifteen-foot wide easement for the area across Tumblin' Creek Park where its facilities are already located. In exchange for the easement, BellSouth will not file an appeal. The Recreation and Parks Department represents that the granting of this easement will not conflict with the current and projected uses of the park.

RECOMMENDATION

The City Commission: 1) grant a fifteen-foot easement to BellSouth for their existing and future underground facilities that currently traverse Tumblin' Creek park; and 2) authorize the Interim City Manager to execute all necessary documents to grant and record the easement to BellSouth, subject to approval by the City Attorney as to form and legality.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**041152****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of March 28, 2005, as circulated.

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041176**Resignation of Advisory Board/Committee Member Derek Turner (B)****RECOMMENDATION**

The City Commission accept the resignation of Derek Turner from the Citizens' Advisory Committee for Community Development effective immediately.

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041177**Resignation of Advisory Board/Committee Member Joseph P. Michael (B)**

RECOMMENDATION

The City Commission accepts the resignation of Joseph P. Michael from the City Beautification Board effective March 22, 2005.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC SAFETY COMMITTEE, CONSENT****COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****040829****Family and Large Family Child Care Homes (B)**

Explanation: On January 24, 2005, the City Commission referred the issue of whether or not to initiate a petition to allow large family child care homes to the Community Development Committee. On February 17 and March 17, 2005, the Community Development Committee discussed this issue. They concluded that the City should initiate a petition to allow large family child care homes, provided certain conditions are met. The purpose of those conditions is to ensure safety, protect neighborhood appearance, reduce noise, and prevent concentrations of large family child care homes in one area.

At the March meeting, staff recommended five conditions. The Community Development Committee agreed with those conditions and added a sixth requiring that there be no existing code violations onsite.

Fiscal Note: None

RECOMMENDATION

Community Development Committee to the City Commission: initiate a petition to amend the definition for family child care homes, adopt a definition for large family child care homes, and allow large family child care homes in all residential districts, provided the following conditions are met: 1) they are licensed and approved by the Alachua County Health Department; 2) they have a staff-approved parking/drop-off/pick-up plan; 3) all outdoor play areas are located between the building and the rear property line; 4) the operators have certified that their primary residence is onsite; 5) they have a minimum separation distance of 1,000 feet from other large family child care homes; 6) there are no existing code violations associated with the site; and 7) remove this item from the referral list.

Legislative History

1/10/05	City Commission	Referred (7 - 0)	Community Development Committee
2/17/05	Community Development Committee	Approved as Recommended	
3/17/05	Community Development Committee	Approved as Recommended	
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DISABILITY REVIEW COMMITTEE, CONSENT**041159****Application for Disability Retirement (NB)**

Explanation: A meeting of the Disability Review Committee was conducted on Friday, April 1, 2005, to review the application for disability retirement for Henry L. Jenkins. In reviewing the application and supporting documentation from Mr. Jenkins' physicians, it is the recommendation of the Disability Review Committee that the City Commission approve the application.

Henry L. Jenkins, Labor Crew Leader 1, with 9.86 years in the Street Operation Department, has been under the care of physicians for several medical reasons. Information provided to the Committee from Mr. Jenkins' physicians and from the City of Gainesville's third party administrator, Health Direct Inc., states that Mr. Jenkins is totally disabled and wholly and continuously unable to perform any and every duty of his employment or of a position to which he may be assigned.

Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for Henry L. Jenkins has been determined to be: current monthly salary, \$2,312.26; final average monthly earnings, \$2,659.56; final monthly benefit (without Social Security offset, if any determined at a later date), \$1,063.82. These benefits shall become effective April 11, 2005 and will be paid from the Disability Pension Fund.

RECOMMENDATION

The City Commission approve the submitted application for disability retirement for Henry L. Jenkins, Labor Crew Leader 1, Streets Division.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA**

CHARTER OFFICER UPDATES**CLERK OF THE COMMISSION****CITY MANAGER****041160****Small Business Week - 2005 (B)**

Explanation: In June 2004, the City of Gainesville Economic Development Department and Gainesville Council for Economic Outreach (CEO) jointly sponsored an Economic Development Summit. The Summit addressed the existing economic landscape in Alachua County, provided comparisons with other communities and suggested proposals for improvement.

This year, in an effort to move the discussion further regarding the area's economic and business development potential, and in an effort to build bridges amongst all active area economic development entities, the City of Gainesville Economic Development Department has worked within the context of the Gainesville Area Chamber of Commerce Small Business Council to jointly sponsor and host Small Business Week 2005. The dates of this event are April 25 - April 29, 2005.

Venues vary for the events and each has a slightly different focus. An Economic Development Strategy Summit will be held on April 27, 2005 at the Gainesville Country Club. This Summit is being jointly sponsored by a number of area entities including the Gainesville Area Innovation Network (GAIN) and Gainesville Area Chamber of Commerce and is being convened by the Healthy Communities Initiative (HCI). The Summit will focus on building a Countywide Strategic Plan for Alachua County while also highlighting efforts that have gone into the growth and development of the North Carolina Research Triangle.

Fiscal Note: There will be some costs associated with the Economic Development Strategy Summit that will be absorbed by the City's existing Economic Development Department budget.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff regarding the Small Business Week 2005 schedule of events.

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041161**Move and Rehabilitation of Two Houses Owned by Santa Fe Community College (B)**

Explanation: Santa Fe Endowment Corporation owns two houses, at 502 and 508 Northwest 4th Avenue, which are contributing buildings to the Pleasant Street Historic District. The houses are boarded and are in need of repair. Santa Fe

Community College (SFCC) wishes to have the houses moved to another location in order to create a buffer between the nearest residence and the SFCC complex.

City staff has explored options as to how the buildings could be moved and renovated, and has done an initial cost estimate showing the range of costs that may be involved in moving and renovating the buildings. The only property owned by the City where the houses could be located feasibly is the lot on the north side of Northwest 5th Avenue (parcel 14479) that SFCC had, at one point, requested that the City transfer to SFCC for a portion of its new site on Northwest 5th Avenue. SFCC no longer is interested in acquiring that lot from the City.

An option that could result in these houses being renovated for residential use would be for the City to transfer the Northwest 5th Avenue parcel to the Community Redevelopment Agency. SFCC would transfer the two houses to the Community Redevelopment Agency. The CRA would move the two houses onto the lot on NW 5th Avenue. The CRA would bring the houses on this lot into the Model Block Program.

Before undertaking any of this, the following steps would be done to be sure the moves and rehabs are not too expensive in relation to the sales price, and all costs (and resale prices) would need to be known exactly, by doing the following:

- * The CRA would develop specifications for the moves and rehabilitation work*
- * The CRA would bid the houses to house movers and to renovation contractors, and ascertain exactly what amount would have to be paid for the bids accepted by the CRA for the moves and renovations*
- * The CRA would have the houses appraised based on those specifications (an "after-value" appraisal based on the houses' anticipated renovated condition)*
- * The CRA would work with the potential buyers on the Model Block list to locate purchasers and arrange appraisal-based sales prices for each house (or alternatively use a bidding process).*

Only then would the CRA know the exact cost of the moves plus renovations, how much the houses would be sold for - and therefore how much the funding gap would be, if any. The proposal is that the City request the CRA to put in up to \$10,000 per house and that Santa Fe put in up to \$10,000 per house. The funds would be provided in equal amounts by each entity. This means that if the gap in funding is no more than \$20,000 per house the project could go forward. If the gap turns out to be greater than \$20,000 per house the project would not go forward and Santa Fe would have to resolve this situation relating to the two houses.

A Certificate of Appropriateness from the Historic Preservation Board would be required for the house moves. The City may wish to expand the historic district to include both portions of the lot so both houses would be in the district.

While the proposal is a compromise in order to address a difficult situation

given the condition of these houses along with their historic value to the community, it is proposed with the ultimate goal in mind of continued revitalization of the neighborhood and its historic housing stock.

Fiscal Note: The City would transfer parcel 14479 on Northwest 5th Avenue to the CRA at no cost. This parcel was originally purchased for a total of \$22,044 (including appraisal, survey, recording and title insurance) using CDBG funds; however, it is currently assessed at \$5,000. The City would have no additional cost, since for each house the buyer would fund the construction with the buyer's funds and a construction loan from a lender. If there is any gap in the difference between the combined cost of moving and renovation and the sales prices, the City would ask the CRA to cover up to \$10,000 of that gap for each house, and Santa Fe would cover up to \$10,000 of that gap for each house in a matching amount.

RECOMMENDATION

The City transfer parcel 14479 to the CRA, and authorize the Interim City Manager to execute all appropriate documents, and request that the CRA handle the house moves and renovations, by bringing these properties into the Model Block program, and the CRA fund up to \$10,000 per house of any funding gap and Santa Fe fund up to \$10,000 per house of any funding gap, in equal amounts from the CRA and Santa Fe.

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041162

Formal Notification from Alachua County for Updates to Municipal Urban Reserve Areas (B)

Explanation: The City of Gainesville Urban Reserve Area was initially adopted by the Alachua County Commission on August 15, 1991 and became effective on October 15, 1991. The area was later updated and again formally adopted on October 14, 1996. Under the Alachua County Boundary Adjustment Act, an urban reserve area defines the territory where a municipality is allowed to annex. The reserve area designated for a municipality must meet the following criteria:

- (a) be adjacent to the municipality;*
- (b) be urban in character or likely to become urban in character within the next 10 years;*
- (c) be an area in which population growth should be directed so as to promote efficient delivery of urban services, including police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks and recreation, housing, street lighting, transportation and other services, and to encourage more concentrated urban developments;*
- (d) shall not contain areas outside the county in which the municipality lies, contain areas within the corporate limits of another municipality, or contain areas within another*

- municipality's urban reserve area;
- (e) shall not contain areas which could be provided with urban services more efficiently by the county or another municipality;
- (f) shall not contain areas which cannot reasonably be foreseen to be provided with the urban services provided by the municipality within the next 10 years; and,
- (g) shall not contain areas which the municipality cannot reasonably have the capacity or capital facilities within the next 10 years to provide or at a minimum, the level of services provided by the county to the reserve area.

Under the Boundary Adjustment Act, "urban in character" is defined as an area used for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes including any parcels of land retained in their natural state or kept free of development as greenbelt areas.

Currently, there are areas outside of Gainesville's Urban Reserve Area that would be considered conservation, and/or environmentally significant. Including some of these parcels in the Urban Reserve Area for Gainesville would further assist in creating an "emerald necklace" around the future incorporated limits of the City. Several citizens noted this concept as very desirable at the Town Hall meeting held on November 30, 2004 as part of the County-wide Visioning and Planning Process.

In preparation for this forthcoming formal notification, the City Commission held a workshop on January 13, 2005 to discuss any desirable changes to Gainesville's current Urban Reserve Area. The County delivered formal notification requesting modifications on February 28, 2005. The City must submit any final proposed changes by May 26, 2005.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) Hear a brief presentation from staff on the modifications discussed at the January 13th Urban Reserve Area workshop including the impact and responses received from affected neighboring municipalities; and 2) authorize the Interim City Manager to submit the City's final desired changes to the Gainesville Urban Reserve Area to Alachua County.

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GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

041147

Proactive Prevention Update (B)

Explanation: A key component of the approach utilized by the Equal Opportunity Office to make progress in equal opportunity is proactive prevention. Providing information, training, outreach activities, and other potential solutions to citizens, businesses, community organizations and City employees can help identify and solve problems before they escalate. Staff provided a presentation on proactive prevention activities to the Equal Opportunity Committee on March 24, 2005.

RECOMMENDATION

City Commission hear a presentation on the proactive prevention activities of the Equal Opportunity Office since January 1, 2004.

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COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC SAFETY COMMITTEE

040297

Amendment to Vehicles for Hire Ordinance, Chapter 28 Code of Ordinances (B)

Explanation: The Public Safety Committee held five public meetings to discuss the August 9, 2004 referral on taxi cab companies' safety violations. The committee heard from citizens, police, finance, city attorney and airport staff, and subsequently a subcommittee of this group met in conjunction with the Public Safety Committee. The subcommittee presented proposed recommendations to the current Chapter 28 Vehicles for Hire ordinance and an executive summary

outlining these proposals to the Public Safety Committee.

After thorough discussion, the Committee agreed that the proposed amendments and subcommittee recommendations would create better enforcement penalties for violators, and would create an application and permit process to improve the quality and equitable business practice of Gainesville's taxi service, while focusing on protection of health, safety and welfare of the residents and visitors to the community. The Committee also supports the recommendation for creating a medallion or other visible decal system that readily identifies a taxi's compliance with the franchising and permitting process and the issuance and collection of airport decals.

Fiscal Note: There is no fiscal impact to the City, however, the Finance Department is recommending that the minimal cost of the decal be passed on to the customer in the form of a permit fee, collected by the Finance Department, along with the other required fees.

RECOMMENDATION

The City Commission 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending City of Gainesville Ordinance Chapter 28, in substantially the same form as the back-up, 2) direct staff to refine the permitting process to incorporate the recommendations, and 3) remove this item from the Public Safety Committee referral list.

Legislative History

8/9/04	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
8/9/04	City Commission	Referred	City Manager
9/30/04	Public Safety Committee	Discussed	
10/21/04	Public Safety Committee	Discussed	
11/17/04	Public Safety Committee	Discussed	
2/17/05	Public Safety Committee	Discussed	
3/17/05	Public Safety Committee	Discussed	

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041034

Roam Towing Fee Reduction (NB)

Explanation: On February 28, 2005, the City Commission referred the "Roam Towing Fee Reduction" to the Public Safety Committee. The Public Safety Committee heard from Superior Towing staff, as well as other towing companies and citizens regarding Superior Towing's primary request to decrease roam towing rates for all companies from \$73 to \$60 for the first 24 hours. The proposal also included establishing laws requiring proof of service on additional charges on a roam tow invoice, additional enforcement for certain requirements, and dissolution of the Towing Advisory Board, replaced with other methods of

public education.

After much discussion, the Public Safety Committee agreed that some of the issues addressing charges or complaints of services not being performed could best be addressed by the Towing Advisory Board and requested that City Attorney staff convey that to the Towing Advisory Board. The Committee approved a motion to report this item out to the full City Commission with no action recommended, pointing out that the responsibility of the Commission is to set the maximum cap for roam towing, and if a company wishes to set a lower rate, they have the ability to do that without government permission.

RECOMMENDATION

The City Commission accept the Public Safety Committee's recommendation to take no action on this item and remove this from the pending referral list.

Legislative History

2/28/05	City Commission	Referred (7 - 0)	Public Safety Committee
3/17/05	Public Safety Committee	Discussed	

EQUAL OPPORTUNITY COMMITTEE

040162

Cultural Sensitivity Training (B)

Explanation: The City Commission referred the broad issue of Cultural Sensitivity Training for all City departments to the Equal Opportunity Committee on June 28, 2004. Staff provided a presentation on diversity awareness to the Equal Opportunity Committee on October 4, 2004 and the Equal Opportunity Committee identified some other university cities and directed staff to research their diversity awareness efforts. The Equal Opportunity Committee heard a presentation on the diversity awareness efforts of the identified university cities on December 20, 2004

RECOMMENDATION

City Commission direct staff to: 1) implement a plan to schedule diversity training for all regular City employees every three years, 2) update materials used in GPD's Human Diversity Training, 3) include gender identity and expression in diversity awareness training, 4) implement a plan for a City Commission supported dialogue on race and race relations, 5) schedule City Commissioners for diversity awareness training on an individual basis, and 6) remove this item from the Referral List.

Legislative History

6/28/04	City Commission	Referred (6 - 1)	Equal Opportunity Committee
10/4/04	Equal Opportunity Committee	Heard	

12/20/04 Equal Opportunity Heard
Committee
1/24/05 City Commission Withdrawn
3/24/05 Equal Opportunity Recommended for Approval
Committee
040162a_200501241300.pdf
040162b_200501241300.pdf

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

041180

Tom Cunilio - Florida Renewable Resource Conservation and Development Council (B)

RECOMMENDATION

The City Commission hear remarks from Tom Cunilio and take action deemed appropriate.

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MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

CITIZEN COMMENT

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Girl Scout Troop #315, Cindy Laukert, Troop Leader

PROCLAMATIONS/SPECIAL RECOGNITIONS

041171

National Public Safety Telecommunications Week - April 10-16, 2005 (B)

RECOMMENDATION

Alachua County Sheriff's Department Combined Communications Center Bureau Chief Eddie Williams to accept the proclamation.

041171_NatlPublicSafetyTelecom.pdf

041172

Jazz Appreciation Month - April 2005 (B)

RECOMMENDATION

Gainesville Friends of Jazz and Blues President Scott

R. Koons to accept the proclamation.

041172_JazzApprec.pdf

041173

Gainesville Academy of Electrical Technology Day - April 19, 2005 (B)

RECOMMENDATION

*Gainesville Academy of Electrical Technology
Chairman Joe Suggs, Secretary Chad Preson, Training
Director Shawn Graves and Trustee Letcher Worley to
accept the proclamation.*

041173_GvlAcadElectTech.pdf

041174

National Victims Rights Week - April 10-16, 2005 (B)

RECOMMENDATION

*Victim Rights Planning Committee Victim Advocate
Molly McGowan to accept the proclamation.*

041174_CrimeVictimsRights.pdf

041175

Water Conservation Month - April 2005 (B)

RECOMMENDATION

Citizen Daniel Jones to accept the proclamation.

041175_WaterConserv.pdf

041179

Great American Cleanup Day - April 16, 2005 (B)

RECOMMENDATION

*Keep Alachua County Beautiful Affiliate Bob Gasche
and Assistant Liz Carollo to accept the proclamation.*

041179_GreatAmCleanup.pdf

PUBLIC HEARINGS

ORDINANCES, 1ST 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)

030753_200502141300.pdf

030753_200504251300.pdf

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)

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030754_200504251300.pdf

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.*

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041149_200504251300.pdf

031256**LAND USE CHANGE - OAK HAMMOCK (B)****Ordinance No. 0-05-19, Petition 24LUC-04PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from the Alachua County land use categories of "RES 2-4: Residential, 2-4 dwelling units per acre", "INST, Institutional", and "OFF/R 4-8: Office/Residential, 4-8 dwelling units per acre" to the City of Gainesville land use category of "Office", as more specifically described in this Ordinance, generally located in the vicinity of and including the Oak Hammock retirement community, and certain properties along Williston Road including 2521 Southwest Williston Road; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The original petition included land that was part of a utility easement located along the eastern boundary of the Oak Hammock development and part of a property that houses a Progress Energy substation. Both pieces of land are part of larger parcels and because the land is split between Alachua County and the City of Gainesville, it was felt that the proposed City land use and zoning designations should be as close as possible to the Alachua County land use and zoning designations. The current Alachua County land use designation for the 2 pieces of land is Residential (2-4 dwelling units per acre), with a zoning of R-1A (Single-family, low density). The proposed City of Gainesville designations were SF (Single Family, up to 8 units per acre) land use and RSF-1 (3.5 units/acre single-family residential district) zoning.

CITY ATTORNEY MEMORANDUM

The above-referenced ordinance was approved by the City Commission on January 24, 2005 and the City Commission authorized the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately seven (7) days after the day that the second advertisement is published.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration

Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION *The City Commission adopt the proposed ordinance on first reading.*

Legislative History

1/24/05 City Commission Approved (Petition) (6 - 0 - 1 Absent)

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031256_200508221300.pdf

031257

REZONING - OAK HAMMOCK (B)

Ordinance No. 0-05-20, Petition 25ZON-04PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands annexed into the City from the Alachua County zoning categories of "PD, planned development", "R1a, single-family, low density (one to four dwelling units per acre)", and "A, agricultural district" to the City of Gainesville zoning categories of "Planned Development District" and "OF: General office district", as more specifically described in this ordinance; generally located in the vicinity of and including the Oak Hammock retirement community, and certain properties along Williston Road including 2521 Southwest Williston Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

The original petition included land that was part of a utility easement located along the eastern boundary of the Oak Hammock development and part of a property that houses a Progress Energy substation. Both pieces of land are part of larger parcels and because the land is split between Alachua County and the City of Gainesville, it was felt that the proposed City land use and zoning designations should be as close as possible to the Alachua County land use and zoning designations. The current Alachua County land use designation for the 2 pieces of land is Residential (2-4 dwelling units per acre), with a zoning of R-1A (Single-family, low density). The proposed City of Gainesville designations were SF (Single Family, up to 8 units per acre) land use and RSF-1 (3.5 units/acre single-family residential district) zoning.

CITY ATTORNEY MEMORANDUM

The above-referenced ordinance was approved by the City Commission on January 24, 2005, and the City Commission authorized the City Attorney's Office to prepare the appropriate ordinance amending the Land Development Code of the City of Gainesville.

RECOMMENDATION *The City Commission adopt the proposed ordinance on first reading.*

Legislative History

1/24/05 City Commission Approved (Petition) (7 - 0)
 031257_200501241300.pdf
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040519**LAND USE CHANGE - BLUES CREEK (B)****Ordinance No. 0-05-05, Petition 167LUC-04PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Single-Family (up to 8 units per acre)" to "Residential Low-Density (up to 12 units per acre); located in the vicinity of west of Northwest 43rd Street and north of Northwest 73rd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The 2.37-acre subject property is within the approximately 300-acre, Blues Creek planned residential development, and is on the north side of N.W. 73rd Avenue, approximately one-quarter mile west of Northwest 43rd Street. The subject property is within the Blues Creek drainage basin, and is undeveloped and wooded. The property adjoins undeveloped conservation land to the north, east and west, and is proximate to single-family development across Northwest 73rd Avenue to the south. Single-family development of the Blues Creek development is to the north and west, beyond the adjacent conservation area. The Blues Creek clubhouse and swimming pool are also to the west of the conservation area.

The applicant proposes to change the land use designation of the property from SF (Single Family, up to 8 units per acre) to RL (Residential Low Density, up to 12 units per acre).

The subject property is adjacent to Single-Family (up to 8 units per acre) land use to the north and east, Single-Family and Conservation land use (farther east) to the east, and Alachua County Low Density (1-4 units per acre) land use to the south. The surrounding zoning is PD (Planned Development District) to the north, east and west, and Alachua County Low Density Residential (1-4 units per acre) (of the Sterling Place residential development) is to the south, across Northwest 73rd Avenue. Conservation zoning is east of the adjoining PD zoning to the east of the subject property.

Blues Creek was annexed from Alachua County in 2001-2002, and City of Gainesville land use and zoning was approved in 2003. Staff was unaware of the attached residential units for the subject 2.4-acre property when Single Family land use and PD zoning were approved for Blues Creek. During review earlier this year of a proposed design plat for 16 lots on the subject property, the inconsistency between the existing Single Family land use, which does not

allow attached residential units, and the PD zoning which allows attached units, became evident to staff. The proposed Residential Low-Density (up to 12 units per acre) designation allows for attached residential units, and will result in consistency between the future land use category and the underlying PD (Planned Development District) zoning for this 2.37-acre portion of Blues Creek.

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

This petition was filed after the second of two large-scale comprehensive plan amendment cycles for 2004, several months prior to the deadline for the first cycle for 2005. First reading of the ordinance adopting this petition has had to await the other large-scale plan amendment petitions of the first cycle of 2005. State law limits large-scale amendments to two times per calendar year.

Public notice was published in the Gainesville Sun on October 5, 2004. Letters were mailed to surrounding property owners on October 6, 2004. The Plan Board held a public hearing October 21, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 167LUCC-04 PB. Plan Board vote 5-0.

CITY ATTORNEY MEMORANDUM

The above-referenced ordinance was approved by the Plan Board on October 21, 2004 and by ordinance, the City Attorney's Office is authorized to prepare the appropriate ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately seven (7) days after the day that the second advertisement is published.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION

The City Commission: 1) approve Petition No. 167LUC-04PB and; 2) adopt the proposed ordinance on first reading.

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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: 1) approve Petition No. 192ZON-04PB and; 2) adopt the proposed ordinance.

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040919**COMPREHENSIVE PLAN AMENDMENT - ANNUAL UPDATE OF THE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (B)****Ordinance No. 0-05-30; Petition 18CPA-05PB**

An ordinance of the City of Gainesville, Florida, amending the City of

Gainesville Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan; adopting the annual update of the 5-Year Schedule of Capital Improvements; amending the Potable Water, Recreation and Stormwater Management Elements; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This petition amends the City of Gainesville Comprehensive Plan to update the Capital Improvements Element, in particular, the 5-Year Schedule of Capital Improvements. State law requires that each local government's 5-Year Schedule of Capital Improvements undergo annual update. This petition provides that annual update for Fiscal Years 2004/2005 through 2008/2009.

The Elements of the Comprehensive Plan that are discussed in this petition are Potable Water, Recreation and Stormwater Management.

The City Plan Board heard this petition and recommended that it be approved by the City Commission.

Public notice was published in the Gainesville Sun on February 1, 2005. The Plan Board held a public hearing February 17, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 18CPA-05 PB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION

The City Commission (1) approve Petition 18CPA-05 PB and (2) adopt the proposed ordinance at the transmittal stage.

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

RESOLUTIONS- ROLL CALL REQUIRED

031202**Conversion of Conditional Plat approval to Final Plat approval of Madera Cluster Subdivision, Phase II of a three-phase project located in the vicinity of SR 331 (Williston Road) and Southwest 21st Street, north side. Petition 82SUB-01DB (B)**

Explanation: This is a request for conversion of conditional plat approval to final plat approval of Phase II of the Madera Cluster Subdivision, consisting of 34 lots on 21.186 acres. The land was annexed by the City of Gainesville in April of 2000, and is zoned RSF-1 (3.5 units/acre single-family residential district).

On April 26, 2004, the City Commission adopted a resolution approving the conditional final plat for Madera Cluster Subdivision Phase II. Since approval of the conditional plat, the property owner has constructed improvements in accordance with the approved construction plans and conditional approval. The owners now wish to convert conditional plat approval to Final Plat approval.

The Public Works Department has inspected and approved the completed portion to be consistent with City standards. The Surety Agreement covering the remaining portion of Phase II has been approved by Public Works.

Fiscal Note: None

RECOMMENDATION

Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of "Madera Cluster Development, Phase II, located in the general vicinity of Williston Road (north side), a/k/a S.R. 331, between Southwest 20th Street and Southwest 21st Street; authorizing the City Manager or designee, to execute a Subdivision Improvement Surety Agreement to secure the construction of improvements; providing directions to the Clerk of the Commission; and providing an immediate effective date.

Legislative History

4/26/04 City Commission Adopted (Resolution) (6 - 0 - 1 Absent)

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041150**RESOLUTION ACCEPTING THE REPORT OF THE BOARD OF CANVASSERS FOR ELECTION HELD ON MARCH 29, 2005(B)**

Explanation: On March 29, 2005, a city election for the election of commissioners for At-Large Seat 2, District 2 and District 3 was held.

The Report of the Board of Canvassers for the City of Gainesville, showing that Rick Bryant has been elected to the At-Large Seat 2, Ed Braddy has been elected to the District 2 Seat and that there will be a run-off election between

Tony Domenech and Jack Donovan for the District 3 Seat, is adopted by this resolution of the City Commission.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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041163

Local Housing Assistance Plan - State Fiscal Years 2005-2007 (B)

***Explanation:** The Local Housing Assistance Plan (LHAP) was prepared for the City's participation in the State Housing Initiatives Partnership (SHIP) Program, in compliance with Section 420.907, Florida Statutes and Chapter 67-37, Florida Administrative Code. The SHIP Program is implemented and administered by the City of Gainesville Housing Division. The LHAP describes program activities and management plans for the utilization of funds through public/private partnerships to develop and preserve affordable housing in the City. The LHAP addresses affordable housing needs in the community such as homeownership, housing rehabilitation, new construction, rental activities, downpayment assistance, mortgage foreclosure intervention, and special needs housing. The LHAP will provide affordable housing opportunities for eligible residents within the incorporated areas of the City, except as may otherwise be provided through an Inter-Local Agreement with Alachua County (County) for the Special Needs Housing Program (Exhibit H in the LHAP).*

The LHAP proposes to update the existing Inter-local Agreement with the County and the SHIP Special Needs Housing Program Guidelines to continue to jointly fund projects for the Special Needs Housing Program. In summary, the current Inter-Local Agreement requires: 1) the City and County to jointly advertise funds and approve project applications; 2) the City to deposit its funds in the County's housing trust fund for funded projects; 3) the County to handle all financial expenditures for funded projects; and 4) the City to monitor all funded projects over the required compliance period. The new Inter-local Agreement and SHIP Special Needs Housing Program guidelines will streamline the joint process by allowing the City and County to continue to jointly advertise funds and approve project applications; however, the City and County will each separately handle its financial expenditures and compliance monitoring for each funded project by the City or County respectively. The Inter-local Agreement does not restrict eligible special needs housing facilities as to geographical location, but the facilities must be located within Alachua County.

In addition, the LHAP proposes to continue on-going housing programs such as downpayment assistance, new construction, mortgage foreclosure intervention, house replacement and special needs housing. The demand for housing rehabilitation services is high, and the construction costs to abate all code violations continue to rise. In an effort to continue addressing the City's waiting list backlog and to counterbalance the rising cost of construction, the LHAP proposes to modify the existing housing rehabilitation programs to concentrate on health/safety violation priorities versus abating all code violations on housing units as follows: 1) Delete the Roof, Emergency Repair,

Moderate Rehabilitation and Full Rehabilitation Programs, which concentrate on abating all housing code violations; and 2) Add Emergency Roof Repair Program, Minor Rehabilitation and Major Rehabilitation Programs to address health/safety violation priorities such as plumbing, electrical, roof, heating, handicapped accessibility and structural repairs. The Emergency Roof Program will have a separate short-term waiting list and will assist only those housing units that have actively leaking roofs. The Minor Rehabilitation Program will address health/safety violations such as, plumbing, electrical, roof, heating, handicapped accessibility. The Major Rehabilitation Program will address all items listed in the Minor Rehabilitation Program with the addition of structural issues.

All housing units will be evaluated initially under the Minor Rehabilitation Program. If the housing unit needs structural repairs, then it will be evaluated under the Major Rehabilitation Program. Modifying the housing rehabilitation programs in this manner will allow more flexibility to address the health/safety violations on a priority basis based on the condition of the housing unit, and reduce the overall cost to rehabilitate the housing units. In addition, this will assist in reducing the waiting list backlog, and provide a cost savings to the City because a homeowner will only be eligible to receive housing rehabilitation assistance once versus having to receive assistance from several programs by remaining on the waiting list long-term for the abatement of all housing code violations. There may be some housing units that may require the abatement of all code violations. In cases such as these, the housing unit will be evaluated on a case-by-case basis. On a smaller scale budget, the Full Rehabilitation Program will continue to be funded under the HOME Program, which requires the abatement of all housing code violations.

Fiscal Note: The LHAP has been prepared in accordance with the Florida Housing Finance Corporation estimated SHIP Program allocation for the City in the amount of \$875,981 for each state fiscal year 2005-2007.

RECOMMENDATION

The City Commission: 1) approve the Inter-local Agreement and Special Needs Housing Program Guidelines; 2) authorize the Mayor to execute the Inter-local Agreement and all necessary documents pertinent to the agreement for the Special Needs Housing Program; 3) approve the Local Housing Assistance Plan for State Fiscal Years 2005-2007; 4) authorize the Mayor to execute all necessary documents and certifications pertinent to the Local Housing Assistance Plan; 5) adopt a resolution approving the Local Housing Assistance Plan, as required by the SHIP program; and 6) authorize the submission of the Local Housing Assistance Program for review and approval by the Florida Housing Finance Corporation.

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041163c_200504111300.pdf

041164**Affordable Housing Incentive Plan (Amended) (B)**

Explanation: On March 28, 1994, the City Commission adopted the City of Gainesville Affordable Housing Incentive Plan (AHIP). The City has periodically updated the AHIP; it was last updated in July, 2003. The AHIP consists of the adoption of specific initiatives to encourage or facilitate the production of affordable housing. In accordance with Section 420.907, Florida Statutes, State Housing Initiatives Partnership (SHIP), the City must adopt an AHIP and incorporate it into the Local Housing Assistance Plan (LHAP). The Planning Division staff has updated the following sections of the AHIP: 1) Expedited Permitting by adding the affordable housing concept review and approval process; and 2) Reduction of Parking Requirements by adding the City's parking requirements for fewer parking spaces for low and moderate-income housing.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt a Resolution approving the amended Affordable Housing Incentive Plan and incorporating it into the 2005-2007 Local Housing Assistance Plan.

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041165**A RESOLUTION WITH CITIBANK PERTAINING TO AN INTEREST RATE SWAP TRANSACTION RELATING TO THE CITY'S TAXABLE PENSION OBLIGATION REVENUE BONDS, SERIES 2003A (EMPLOYEES' PLAN) AND TAXABLE PENSION OBLIGATION REVENUE BONDS, SERIES 2003B (CONSOLIDATED PLAN). (B)**

Explanation: In March of 2003 the City issued the Series 2003A & B Taxable Pension Obligation Bonds in the combined amount of approximately \$89,895,000. The proceeds of the issue were deposited into the City's defined benefit pension plans to discharge the Unfunded Actuarial Accrued Liabilities (UAAL) in each plan. The 5.61% true interest cost on the bonds was significantly lower than the UAAL interest rate of 9.25% for the General Employees' Pension Plan and 8.5% for the Consolidated Police Officers' and Firefighters' Pension Plan. The debt issuance is projected to generate gross savings of approximately \$78 million dollars and present value savings of approximately \$34 million dollars over the life of the bond issue.

These debt proceeds were invested in the same manner as all other pension plan assets. The current asset allocation in each plan is approximately 70% equities and 30% fixed income instruments. One of the potential risks associated with a pension bond issuance is that the investment earnings on the fixed income portion of the pension investment portfolio will be generated at a rate less than the interest rate paid on the debt. While on an overall blended basis, staff is confident that the earnings rate on the proceeds will continue to exceed the interest rate on the debt going forward, this risk is highest on fixed income

instruments.

Market conditions currently provide us with the opportunity to hedge or mitigate this risk by implementing a fixed-to-floating interest rate swap agreement. Under the provisions of a swap agreement the City would enter into a contract with a counterparty to swap out a variable interest rate payment to the counterparty in exchange for receiving a fixed interest rate payment over the life of the proposed swap agreement. The City entered into such an agreement in July of 2004, and subsequently terminated the swap in September of 2004 in exchange for receipt of a termination payment of approximately \$950,000.

Fiscal Note: Creation of this synthetic variable rate debt is designed to provide for the generation of interest savings over the current 100% fixed rate structure that currently exists on the pension obligation bonds and a better matching of interest earnings on the bond proceeds deposited in the pension funds with interest expense associated with the Series 2003 bonds. In rising interest rate environments, the increased expense associated with the rising variable rate payment on the swap should be offset by increased interest earnings on the proceeds. In a declining interest rate environment, the reduced interest earnings on the proceeds should be mitigated by the net positive cash flow that results from the lower variable rate payment on the swap. The net result is more stable and predictable net cash flows.

RECOMMENDATION

The City Commission adopt the resolution authorizing the execution and delivery of a master agreement, schedule, credit support annex, and confirmation with Citibank, N.A., New York, and delegating to the Interim City Manager, Administrative Services Director or Finance Director the authority to execute and deliver such documents.

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PLAN BOARD PETITIONS

041166

A special use permit with development plan review for a convenience store/restaurant and a maximum of 12 gasoline fueling positions located at 1515 North Main Street. Petition 21SUP-05 PB (B)

Explanation: The petitioner is requesting approval of a Special Use Permit for the installation of 8 fuel pumps with 12 fueling positions and 3 underground fuel tanks for a newly constructed convenience store/restaurant to include a Lil' Champ and Quizno's. The City Commission reviews this petition because of the number of fueling positions requested.

The petitioner is proposing to raze the existing structures located on the 3.13-acre site. The existing structures were utilized by the Gainesville Dodge dealership for many decades until the Dodge dealership relocated to the 3000 block of North Main Street. The proposed site is located at the southeast corner of the intersection of Northeast 16th Avenue and North Main Street, on property

zoned BA (automotive-oriented business district). The property is located in the City's TCEA, Zone A.

The City Plan Board heard the special use permit and recommended that the petition be approved with staff conditions and the following modifications: Page 4, Screening and Buffering, Condition 4: Replace with a condition approved by the church and home owner, "The applicant shall install a 6-foot black aluminum picket fence in combination with the required vehicular buffer adjacent to the residential uses." Page 4, Screening and Buffering, Condition 5: Replace with "The applicant shall install a 9-foot wide vehicular buffer strip (containing hedge material and shade trees), curbing on both sides of the (21'-22' wide) landscape area, and a 5-foot wide sidewalk connection to the commercial site to the east." Page 6, Design Quality, Condition 9: Revise the condition to read "The petitioner shall work with Planning and Public Works Department staff, obtaining their approval to any proposal to narrow the internal driveway to as close to 40 feet as possible, or a suitable width for a fuel truck to enter the project." The Plan Board also recommended deleting Condition 11 on page 6, Design Quality. During discussion of the internal driveway, planning staff suggested it be reduced from 24 feet to 20 feet, the minimum width generally allowed by Public Works for a 2-way drive. The Plan Board supported the reduction in width, for that portion of the driveway located east of the entrance to the convenience/restaurant/gas station, and made it a condition.

It is staff and the Board's understanding that the existing asphalt sidewalk/bike path located along the north property line will be replaced with an 8- or 10-foot wide concrete sidewalk, depending on whether Northeast 16th Avenue is classified a collector or arterial by the County because the existing asphalt sidewalk/bike path will have to be altered in several locations during construction.

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

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 21SUP-05 PB, with staff conditions and with modifications to staff Condition numbers 4, 5, 9, deleting Condition 11, and adding a new Condition 11 under Section (E) Cross-access and Joint Driveway, reducing the width from 24-feet to 20-feet for that portion of the internal driveway located east of the entrance to the convenience/restaurant/gas station. Plan Board vote 5-0.

Staff to Plan Board - Approve the Special Use Permit and development plan, with conditions.

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT - 11:16 PM