

City of Gainesville

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



Meeting Agenda

June 26, 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

060137

Staffing for Adequate Fire and Emergency Response (SAFER) Firefighter Grant Program (NB)

This item requests that the City Commission authorize an application for the 2006 Federal SAFER Grant Program for firefighter staffing funds.

Explanation: On May 18, 2006, the US Department of Homeland Security, Preparedness Directorate - Office of Grants and Training, announced funding availability from the Staffing for Adequate Fire and Emergency Response (SAFER) Firefighter Grant Program. The purpose of the program is to assist fire departments with increasing the number of firefighters available to respond to calls for service in order to meet staffing guidelines as established by the National Fire Protection Association (NFPA) in NFPA 1710. In part, the NFPA response guidelines describe a deployment goal of four (4) fire suppression personnel on scene with one suppression apparatus within four (4) minutes from the time units go responding to 90% of building fire dispatches. Gainesville Fire Rescue's staffing does not currently support four (4) personnel on engine companies and the department's minimum staffing requirement for an engine company is three (3) personnel. To achieve the NFPA 1710 goal, Gainesville Fire Rescue must generally have more than one unit on scene within four (4) minutes; this requires the dispatch of units from multiple stations.

The City recently responded to an identified gap in the fire service area in

Northwest Gainesville by committing funds to support development of Fire Station 8. Gainesville Fire Rescue currently staffs seven full-time stations with 130 combat personnel. An increment request for thirteen firefighting positions was submitted by the Fire Department for FY07 in anticipation of the need to hire and train personnel for Station 8 in FY08. Since SAFER program funds for hiring must be used for salaries and associated benefits for new, full-time firefighter positions only, application of these funds would support staffing of Fire Station 8.

Awards for hiring firefighters must be used to support a position for a minimum of five (5) years and are limited to \$103,500 per position over the course of the period. The maximum annual Federal share of funds may not exceed the lesser of the following: Year 1 - 90% of actual costs or \$37,260; Year 2 - 80% of actual costs or \$33,120; Year 3 - 50% of actual costs or \$20,700; Year 4 - 30% of actual costs or \$12,420; and Year 5 0%.

Fiscal Note: Cash match required for each year would be: Year 1 \$169,598; Year 2 \$259,386; Year 3 \$458,793; Year 4 \$606,468; Year 5 \$810,164 for a total cost of \$2,204,410. Matching funds will be requested in the City Manager's proposed budget each year.

RECOMMENDATION

The City Commission authorize the City Manager to: 1) apply to the US Department of Homeland Security for the SAFER Grant Program; and, if awarded: 2) accept the award; 3) approve the required payment process for expending the grant funds; and 4) allocate the required cash match.

Alternative Recommendation A: The City not apply for the SAFER Grant Program. The fiscal impact would be that the City meet the full financial burden of any firefighter positions required for Station 8.

060140

Gainesville Regional Airport Master Plan Review Team (B)

This item reports the findings of the Gainesville Regional Airport Master Plan Review Team instituted at the direction of the City Manager several months ago.

Explanation: In February, 2006, Gainesville Regional Airport staff presented a review of its Airport Master Plan Update to the City Commission. The Update to the Airport Master Plan has been on-going for approximately three years and is designed to revisit and revise the last Airport Master Plan completed in 1987.

A team comprised of City staff was instituted at the direction of the City Manager to review various aspects of the Airport Master Plan Update. The team met on three occasions over the past few months, first, to discuss the assigned task; second, to receive a presentation on the elements of the proposed Airport Master Plan from Airport staff and the Airport's consultant; and, finally, to wrap up and summarize Team observations and recommendations.

The Airport Master Plan Update is nearing completion and there are several dates during the month of June at which Airport staff will receive final comment from the public, various advisory committees and elected and appointed officials. Following this period of public input, the Airport Master Plan Update is to be forwarded to the Federal Aviation Administration (FAA) sometime this summer for final acceptance.

Fiscal Note: Although the review of the Airport Master Plan Update does not have any fiscal ramifications itself, implementation of various facets of the Airport Master Plan Update may have fiscal impacts in the future.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the report of the Gainesville Regional Airport Master Plan Team on the Airport Master Plan Update.

Alternative Recommendation A: The City Commission takes no action.

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060142

Annual Services Contract for Professional Civil Engineering Services (B)

This item involves a request for the City Commission to authorize contract negotiations with Volkert & Associates, Inc., Causseaux & Ellington, Inc., Comprehensive Engineering Services, Inc., and Dyer, Riddle, Mills & Precourt, Inc., for Annual Services Contracts for Professional Civil Engineering Services.

Explanation: On March 31, 2006, the City's Purchasing Division solicited statements of qualifications for professional civil engineering services. Twelve (12) firms submitted responses on April 28, 2006. Staff reviewed the submittals and invited six (6) of the firms to present their qualifications on May 19, 2006. The final ranking of the six (6) firms is:

- 1st - Volkert & Associates, Inc.*
- 2nd - Causseaux & Ellington, Inc.*
- 3rd - Comprehensive Engineering Services, Inc.*
- 4th - Dyer, Riddle, Mills & Precourt, Inc.*
- 5th - Kimley-Horn and Associates, Inc.*
- 6th - Berryman & Henigar*

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

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the selection of the six most qualified civil engineering firms in the order of ranking; 2) authorize the City Manager to initiate contract negotiations with Volkert & Associates, Inc., Causseaux & Ellington, Inc., Comprehensive Engineering Services, Inc., and Dyer, Riddle, Mills & Precourt, Inc., for professional civil engineering services in accordance with the

Consultants' Competitive Negotiations Act (CCNA); and 3) authorize the City Manager, upon successful contract negotiations, to execute the contracts and any related documents, including contract amendments and extensions.

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

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060143

First Extension to the Agreement between the City of Gainesville and Raney's Truck Parts, Inc. (B)

This item involves a request for the first one-year extension to the Agreement with Raney's Truck Parts, Inc., for the Procurement of Heavy Duty Brake Parts.

Explanation: RTS and the Fleet Management Department currently have an Agreement with Raney's Truck Parts, Inc., for Heavy Duty Brake Parts. Under the terms of the Agreement, the City is allowed to extend the Agreement for up to three additional one-year periods, subject to funding and written consent of both parties. The first extension will start July 1, 2006 and expire June 30, 2007.

Fiscal Note: The estimated RTS annual expenditures for heavy-duty brake parts are approximately \$70,000. Funds are available in the RTS budget for FY 06 and FY 07. The Fleet Management Department will also utilize this contract and funds in the amount of \$10,000 are available in the Fleet Management FY 06 and FY 07 budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the First Extension to the Agreement with Raney's Truck Parts, Inc., for the period of July 1, 2006 to June 30, 2007; and 2) authorize the City Manager to execute any and all related documents.

Alternative Recommendation A: The City Commission decline the authorization for the City Manager to execute the First Extension to the Agreement with Raney's Truck Parts, Inc., and provide staff with specific direction in securing these commodities. This would require issuance of a new Invitation to Bid and additional administrative costs.

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060151**U.S. Department of Justice “Project Safe Neighborhoods Grant Program”
Award Notification (NB)**

This item requests City Commission acceptance of a grant in the amount of \$44,752 for the Project Safe Neighborhood “Preventing Youth Firearm Violence” Project.

Explanation: On April 27, 2006, the City of Gainesville received notification from the U.S. Department of Justice that it was selected to receive \$44,572 in grant funds for the Project Safe Neighborhood “Preventing Youth Firearm Violence” Project. This grant award was the result of a “Concept Paper” submitted by the Gainesville Police Department to the U.S. Department of Justice on April 13, 2005. This is a renewal award for the “Preventing Youth Firearm Violence” Project, which is an anti-firearms violence program geared towards juvenile offenders.

Fiscal Note: The \$44,572 in grant funds awarded by the U.S. Department of Justice do not require any local matching funds.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to: 1) accept the \$44,572 in grant funds, and 2) execute any other necessary documents, pending review by the City Attorney as to form and legality.

060185**Edward Byrne Memorial Justice Assistance Grant Applications FY 2007
(NB)**

This item requests City Commission authorization to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds in the amount of \$20,000 for the Tutorial Assistance for At-Risk Youth Program and \$11,018 for the Sexual Predator and Offender Tracking Program.

Explanation: The Edward Byrne Memorial Justice Assistance Grant is a competitive grant opportunity consisting of \$131,496 in Federal funding allocated for government entities within Alachua County. On June 1, 2006, the Gainesville Police Department presented two programs for funding to the Substance Abuse Policy Board. The first presentation was to continue funding for "Tutorial Assistance for At-Risk Youth," which provides a full-time academic advisor for the Reichert House program. The second presentation was for a new project, "Sexual Predator and Offender Tracking Program." This program will consist of overtime details to monitor and enforce the terms of probation for sexual predators and offenders within the City of Gainesville. The board selected both programs for funding through the Edward Byrne Memorial Justice Assistance

Grant.

Fiscal Note: Each application is for a one-year funding cycle in FY 2007. Although this program has traditionally required a 25% local match of the overall project cost, new Federal regulations do not require a match. However, agencies that have traditionally received funding through this program are strongly encouraged to continue to provide matching funds. The Gainesville Police Department included a match in each program's budget to be competitive with other agencies. The two programs the Gainesville Police Department is requesting authorization to apply for and accept will receive \$31,018 in Federal funds and require \$11,063 in local matching funds.

RECOMMENDATION

The City Commission authorize the City Manager to:

- 1.) apply to the Edward Byrne Memorial Justice Assistance Grant program for \$31,018 in grant funds;*
- 2.) appropriate \$11,063 from the Federal Law Enforcement Contraband Fund Trust Fund for the match; and 3.) execute the grant application, grant award, and any other necessary documents, pending review by the City Attorney as to form and legality.*

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

060179

Annual Contract for Coating System for Sanitary Sewer Manholes and Lift Stations (B)

Staff recommends establishing an annual contract for protective coating system installation for the rehabilitation of sanitary sewer manholes and lift stations in the wastewater collection system.

Explanation: Water and Wastewater Systems staff regularly inspect sanitary sewer manholes and lift station structures to identify corrosion, infiltration or structural degradation of the systems to reduce the risk of potential spills. Based on the staff's assessment of the structures, a repair method is chosen to rehabilitate the interior surface area of existing manholes and lift stations. Staff typically targets the application of a protective coating system for approximately two lift station wet wells and twenty sewer manholes per year.

This contract will cover rehabilitation of interior concrete surfaces of existing sanitary sewer manholes and lift stations via the application of a protective calcium aluminate based cementitious product and/or a 100% solids epoxy coating system. The scope of work includes bypass pumping (if needed), removal of any existing deteriorated coating, preparation of the structure to be lined, repair of manhole cover frame assembly or invert channel, and furnishing and applying the specified coating material. The total cost for these services averages \$135,000 annually.

An Invitation to Bid for this work was sent by Utilities Purchasing to the three known companies that perform this type of work, with two responding. Bids

were evaluated based on the unit pricing for the various services. Dallas 1 provided the lowest overall unit pricing. Staff also evaluated the bids based on historical projects using the unit pricing which revealed the same results. A tabulation of the unit prices received is attached for your information.

Fiscal Note: Funding for this work has been included in the FY 2006 budget and will be requested in subsequent fiscal year budgets.

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager, or her designee, to execute a three year contract with Dallas 1 Construction & Development, Inc. for protective coating system installation for the rehabilitation of sanitary sewer manholes and lift stations, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order in an amount not exceeding budgeted amounts for each year of the contract, subject to the appropriation of funds for these services in each fiscal year of the contract.

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060180

Reimbursement for Oversizing of Water and Wastewater Facilities at Hailey Forest Condominiums (B)

Reimburse the developer of Hailey Forest Condominiums for the oversizing of W/WW facilities.

Explanation: Hailey Forest is a single family condominium development located at 4823 SW Archer Road. A wastewater gravity collection system, pump station and force main must be constructed to provide wastewater service for the project. The pump station and force main will connect to an existing 36" force main located in the southern right-of-way of SW Archer Road. Hailey Forest must also construct a potable water distribution system to serve the development with domestic water.

In order to properly serve adjacent undeveloped parcels and minimize the need for multiple lift stations that GRU would have to operate and maintain, oversizing of the pump station wetwell and increased depth of the gravity collection system is required. For the same reason, water and wastewater stubouts to the property line are being made. Additionally, the force main is being oversized to increase wastewater system capacity and reliability. The Developer's Engineer has accommodated this in the development design. GRU's incremental cost to oversize the force main, deepen the gravity wastewater system and stubout wastewater service is \$23,303. GRU incremental cost for the developer to provide two potable water stubouts is \$8,853.

The recommended amount of \$32,153 includes all construction labor and materials associated with the water and wastewater system oversizing to satisfactorily complete the work.

Fiscal Note: Monies for this project are available in the FY 07 Water and Wastewater

*Capital Improvements Budget.***RECOMMENDATION**

The City Commission authorize reimbursement to the Developer of Hailey Forest Condominiums, Pleiman Homes, Home Technology Construction Inc., for the oversizing of the water and wastewater facilities in an amount not to exceed \$32,153.

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060181**Mail Inserter Equipment Lease (NB)****Staff recommends leasing a remanufactured mail inserter from Pitney Bowes Credit Corporation.**

Explanation: The Utility relies upon the use of an 8 Series System Mail Inserter manufactured by Pitney Bowes to process utility bills which includes reading, scanning, folding, stuffing envelopes and applying postage to approximately 88,000 utility bills per month. The existing mail inserter is being leased from Pitney Bowes; however, the current inserter is not capable of meeting the United States Post Office's requirement that all equipment applying postage to bulk mail documents must be upgraded to digital capability by December 31, 2006. The Mail Services staff attended meetings hosted by the U.S. Postal Service which included a trade show of mail processing and inserter equipment. Based on information obtained at these meetings, staff learned there are only two manufacturers that have equipment that offers the features and flexibility required by GRU, which includes adjustable sizing without speed reduction for up to five inserts.

Purchasing solicited written quotations from the two manufacturers of this equipment, Pitney Bowes and Bowe Bell Howell. Pitney Bowes' written quotation includes pricing for a new and remanufactured machine, which are \$4450 and \$3199 per month, respectively. Bowe Bell Howell was requested to provide pricing for a new and remanufactured machine, but only submitted pricing for a new machine which is \$5058 per month. Staff is recommending leasing a remanufactured machine from Pitney Bowes versus a new machine, which will result in a savings of \$15,012 per year. The monthly lease amount includes maintenance, supplies and software upgrades. The recommended not to exceed amount includes \$3839 for shipping costs.

Fiscal Note: Funds are available in the FY 2006 Customer Accounts budget.

RECOMMENDATION

The City Commission authorize the Interim General Manager or her designee to execute a five (5) year lease for a mail inserter system with Pitney Bowes Credit Corporation in an amount not to exceed \$195,779.

060182**Williams Release of Easement (B)**

Staff is requesting approval of a Release of Easement to Marie M. Williams and her successors and assigns.

Explanation: In 1959, Howard's Subdivision, Unit 2 was developed and a plat was recorded in Plat Book "F", page 2 of the public records of Alachua County. During the platting process a 7 1/2' wide public utility easement was created on the south side of Lot 5 and the north side of Lot 6. In 1961, a home was constructed on Lot 5 and a portion of Lot 6. Subsequently, the north 16' of Lot 6, was deeded to the owner of Lot 5.

Marie Williams purchased the home in 1968 and is now selling it. A recent survey has revealed that the home encroaches into the platted public utility easements on the property. The encroachment into the platted public utility easements creates a cloud on the title. Ms. Williams has requested that the City release their interest in these easements to clear up the encroachment problem and her title.

Upon review of this request by staff, it was determined that no existing electric, natural gas, or water facilities exist within the platted easements. It was determined that sanitary sewer facilities exist in the rear of lot, away from the area of the house encroachment. A separate utility easement was granted by the owner to the City to cover the sanitary sewer facilities. Therefore, staff is recommending approval of the request for the release of easements. It should be noted that the City of Gainesville is releasing only its interest and other public utility entities will each have to release their interests separately. The owner has been advised of this information.

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

RECOMMENDATION

The City Commission: 1) approve the release of a platted public utility easement located at 1806 NW 10th Terrace, Gainesville, Florida; 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

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

060178

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of June 8, 2006 (Special Workshop); and June 12, 2006 (Regular Meeting); as circulated.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****AUDIT, FINANCE and LEGISLATIVE COMMITTEE, CONSENT****060145****First Extension/Amendment to the Agreement for Professional Auditing Services between the City of Gainesville and Davis, Monk & Company and Ernst & Young LLP (B)**

Explanation: The City's Charter requires an annual financial audit to be completed by an independent certified public accountant. For the past five years, the independent CPA firms of Davis, Monk & Company and Ernst & Young LLP have provided these services through a contract executed in August 2001 and administered by the City Auditor's Office. The contract provides an option to extend these services for an additional three years and the joint venture of Davis, Monk and Company and Ernst & Young LLP is agreeable to extending the agreement. They have requested an increase in the base fee for audit services, due to increased governmental accounting and auditing pronouncements that will impact the City's future audits.

The City Auditor's Office has discussed the proposed contract extension with representatives from both General Government and Gainesville Regional Utilities and there is consensus that the proposed three year extension would be in the City's best interest given the high level of service and competitive rates provided by the current vendor. In addition, a review of the independent auditors' services and fees and a comparative analysis of fees charged to other Florida municipalities for similar services indicates that their proposed rates remain competitive. A competitive selection process will be conducted at the end of the three year extension.

Fiscal Note: The base fee for audit services was approximately \$160,000 for the fiscal year 2005 audit. Fees for the next three years are proposed at \$170,000, \$180,000 and \$190,000 as shown in Exhibit A. Fees for these services are shared by General Government and Gainesville Regional Utilities and will be provided in the proposed budget documents for each.

RECOMMENDATION

The City Commission: 1) Approve the first extension/amendment to the agreement for professional auditing services with Davis, Monk & Company and Ernst & Young LLP; and 2) authorize the City Auditor to execute the first extension/amendment subject to the review of the City Attorney as to form and legality.

Legislative History

6/14/06 Audit, Finance and Recommended for Approval (2 - 0)
 Legislative
 Committee

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060146

Report on the Status of Outstanding Audit Recommendations for June 2006 (B)

Explanation: City Commission Resolution 970187, City Auditor Responsibilities and Administrative Procedures, requires the City Auditor to notify the appropriate Charter Officer of recommendations projected for implementation in the following six months. The responsible department managers prepare a written status report to the appropriate Charter Officer who then provides this information to the City Auditor. The City Auditor's Office verifies that corrective action has been taken and summarizes the results to the Audit, Finance and Legislative Committee.

During the past several months, the City Auditor worked with the appropriate Charter Officers in preparing a status report on 33 outstanding audit recommendations. We have reviewed management's feedback on the implementation of outstanding recommendations and prepared the attached status report summarizing the results of our review.

We would like to express our thanks to the City Manager, Interim General Manager for Utilities, Equal Opportunity Director and the various departments participating in this review process.

RECOMMENDATION *The City Commission accept the City Auditor's report.*

Legislative History

6/14/06 Audit, Finance and Recommended for Approval (2 - 0)
 Legislative
 Committee

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060130

Fiscal Year 2006 Operating Funds Quarterly Monitoring Report - Quarter Ending March 31, 2006 (B)

Explanation: The City's General Government Budget Policy requires staff to prepare and submit a quarterly Budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund fund balances, to the Audit and Finance Committee.

RECOMMENDATION *The City Commission receive the quarterly budget monitoring report for the quarter ended March 31, 2006.*

Legislative History

6/14/06 Audit, Finance and Recommended for Approval (2 - 0)
 Legislative
 Committee

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060147**Quarterly Financial Report - Gainesville Regional Utilities (B)****RECOMMENDATION**

The City Commission receive the GRU Quarterly Financial Report as of March 31, 2006.

Legislative History

6/14/06 Audit, Finance and Legislative Committee Recommended for Approval (2 - 0)

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COMMUNITY REDEVELOPMENT AGENCY, CONSENT**060163****Eastside Gateway Feature (B)**

Explanation: The CRA has previously acquired the Tackle Box property, located at 1430 Southeast Hawthorne Road. The CRA acquired the approximately one-third acre parcel in order to create a new gateway for the Eastside. The former Tackle Box building was demolished on April 28, 2006. The Tackle Box property had been a vacant commercial site and was in deteriorating condition.

The next steps in converting the former Tackle Box property to a Gateway include remediation of the site and the selection of a conceptual design for the gateway in order to begin developing construction documents and cost estimates for transforming the site. The former Tackle Box site is contaminated with petroleum and has been listed with the State Petroleum Clean up program, administered by the Florida Department of Environmental Protection (FDEP). At one time, the site cleanup score made it eligible for priority funding. In April 2006, Water and Air Research, the CRA's consultant working on the site, informed CRA staff that the FDEP changed the scoring process which resulted in the site receiving lowered funding priority. Water and Air Research proceeded to develop technical information that would raise the funding score; however, the information gathered did not yield data that would typically merit a scoring increase. As a result, a timeframe for when the remediation will take place is unknown. The State does offer a Pre-approved Advanced Cleanup Program (PAC), which would require the CRA to pay for 100% of the costs for a limited contaminated assessment report to determine the extent of the cleanup and a ballpark cost estimate. Once the assessment is accepted by the state, plans for cleanup can proceed with the costs being shared 25% by the owner and 75% by the state. Entering the PAC raises the site score so funding is available sooner than remaining in the standard program. However, the PAC program admittance timeframes are not set in stone, and the cleanup costs are not known until after the CRA commits to the assessment. If the assessment shows that cleanup costs are expected to exceed available CRA funding, then the site could remain in the standard cleanup program with its original funding priority. Staff recommends, as an initial step, that the CRA request the City

Commission to send a letter to the Petroleum Cleanup Manager at the Alachua County Department of Environmental Protection, requesting that the site be rescored in order to be given priority for clean up and redevelopment of the site. If the site does not become a priority, the Pre-approved Advanced Cleanup Program can be considered further. There may also be an opportunity to begin to make improvements to the site before the cleanup is initiated, but that would require an assessment. Water and Air Research staff will be present at the meeting to respond to any questions regarding the remediation.

This gateway will signal the boundary between downtown and East Gainesville, and will signify an entrance into the East Gainesville community. The East Gainesville Gateway concept is intended to create a distinctive identity on the east side of Gainesville. Zamia Designs Landscape Architects has developed concepts for the proposed gateway and presented them at the May 18, 2006 Eastside Redevelopment Advisory Board meeting. The Eastside Redevelopment Advisory Board has recommended a concept that includes a ribbon sculpture that weaves throughout the site, tri-colored and uniting at the center to symbolize the unity of community building blocks: nature, culture and progress and native trees for canopy along the street and streetscaping upgrades to meet CRA standards, including street lights, benches and pavers. The concept recommended by the Eastside Redevelopment Advisory Board also includes a pedestrian scale History Walk of plaques along the sidewalk and community murals depicting aspects of East Gainesville character. Signage was discouraged by the Eastside Redevelopment Advisory Board due to the location of the gateway well within the City limits and other reasons that staff will discuss. Images and further explanation of the concept are included in the backup and Zamia Design will provide an overview of the concept at the meeting. If the CRA proceeds with this concept staff will seek the input of the Art in Public Places Trust.

Fiscal Note: To be determined following selection of the concept. There is \$90,342.29 in the MY 332-790-M690-5520-6030. Tackle Box Account. The CRA has budgeted \$129,000 in the Eastside Streetscaping Account and \$30,000 in the Tackle Box Account in FY 2007. The CRA has budgeted \$168,608 in the Eastside Streetscaping Account in FY 2008.

RECOMMENDATION

The City Commission send a letter to the Petroleum Cleanup Manager at the Alachua County Department of Environmental Protection, requesting that the site be rescored in order to be given priority for clean up and redevelopment of the site.

Legislative History

6/19/06	Community Redevelopment Agency	Approved as Recommended by the Executive Director (7 - 0)
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END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES**CLERK OF THE COMMISSION****CITY MANAGER****060138****Proposed First Amendment to Interlocal Agreement between the City of Gainesville and Gainesville Alachua County Regional Airport Authority (GACRAA) (B)**

This item is a proposed First Amendment to an existing Interlocal Agreement entered into by the City of Gainesville and GACRAA in January, 2004. The proposed First Amendment is driven by language contained in recent State of Florida enabling legislation for GACRAA stipulating that the definition of Airport and Airport Facilities be described by Interlocal Agreement between the two parties.

Explanation: The City of Gainesville and Gainesville Regional Airport staff have been working together to ensure that the proposed new enabling legislation reviewed by the State of Florida represents a consensus of the two bodies on future authority powers related to the GACRAA.

House Bill 1629 was passed by the Florida State Legislature in the 2006 legislative session and has been signed by the Governor. This enabling legislation indicates that the definitions of Airport and Airport Facilities, that are subject to GACRAA authority, be described in an Interlocal Agreement between the City of Gainesville and GACRAA.

The Interlocal Agreement entered into between the City and GACRAA in January, 2004, regarding the provision of services, does contemplate future amendments. Therefore, this First Amendment to the Interlocal Agreement acts as a vehicle for the relevant enabling legislation's provisions regarding definition of the Airport and Airport Facilities through the area as depicted on the attached map. In addition, City of Gainesville staff asked that language regarding the imposition of fees or assessments by the City of Gainesville on GACRAA, be provided within the First Amendment as well.

Fiscal Note: The proposed First Amendment defines the authority of GACRAA through the area as depicted on the attached map and stipulates that GACRAA is subject to City of Gainesville fees and assessments. The latter may have fiscal implications upon future implementation of collections efforts by City of Gainesville staff.

RECOMMENDATION

Recommended Motion: The City Commission: 1) hear a presentation on the proposed First Amendment to the existing City of Gainesville and GACRAA Interlocal Agreement; and 2) adopt the First Amendment to the existing Interlocal Agreement.

Alternative Recommendation A: The City Commission

takes no action.

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060139

Florida Food Service, Inc. - Proposed Amendment to Option Contract for Purchase and Sale of Land (B)

This item is intended to amend an Option Contract for Purchase and Sale of Land with Florida Food Service previously approved by the City Commission. The amendment seeks to address potential environmental mitigation issues that may arise regarding development of the subject property.

Explanation: On September 26, 2005, the City Commission approved an Option and Purchase and Sales agreement for the purchase of 3.51 acres of un-platted property in the Airport Industrial Park to Florida Food Service, Inc. to assist in facilitating their expansion plans. This is in addition to the firm's pending request to exercise a pre-existing Option on a parcel of equal size (Lot 12) located adjacent to the north of their property.

Subsequent to this initial approval, Florida Food Service, Inc. has asked that it be provided with some degree of protection from the City, in addition to the previously approved indemnification, should the pre-existing environmental conditions related to the un-platted property be impacted by Florida Food Service's proposed expansion. This includes: 1) a maximum \$50,000 cost contribution related to prospective dewatering that may be necessary regarding development of the subject property and associated with mitigation of the pre-existing environmental condition; and 2) a release of responsibility related to prospective abandonment of monitoring wells installed on the subject property in connection with the pre-existing environmental condition.

As with all land transactions in the Airport Industrial Park, this proposed amendment is subject to review by the Gainesville Alachua County Regional Airport Authority (GACRAA). To expedite the review on behalf of Florida Food Service Inc., this matter was reviewed by GACRAA on June 22, 2006 at its regular monthly meeting.

Fiscal Note: Upon closing, proceeds from the sale of the subject properties (approximately \$150,000) will be disbursed to the Gainesville Alachua County Regional Airport Authority (GACRAA) per prior agreement between the City of Gainesville and GACRAA. As stated above, GACRAA did review this matter at its June 22, 2006, regular monthly meeting and has approved setting aside the identified costs associated with potential mitigation of the pre-existing environmental condition. This includes the \$50,000 cost associated with potential dewatering and a nominal cost associated with the retrofitting of existing monitoring wells.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the Amendment to Option Contract for Purchase and Sale of Land with Florida Food Service, Inc. provided that disbursements to GACRAA of sale proceeds associated with the subject property be

designated for the potential mitigation associated with the pre-existing environmental condition; 2) authorize the City Manager to sign the contract following approval by the City Attorney as to form and legality; 3) authorize the City Manager to negotiate a reservation agreement with GACRAA; and 4) authorize the Mayor and Clerk of the Commission to execute the closing documents.

Alternative Recommendation A: The City Commission takes no action.

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050915

Gainesville Regional Airport - Request for Recording of Conservation Easement (B)

This item involves staff follow up on a request from the Gainesville Regional Airport regarding the proposed recording of a conservation easement in favor of the St. Johns River Water Management District on approximately 129 acres of the Gum Root Swamp property. In furtherance of this request, proposed conservation easement language and the supporting environmental report, have been provided to City staff for review.

Explanation: Since notification by the St. Johns River Water Management District (SJRWMD) in December, 2002, Gainesville Alachua County Regional Airport Authority (GACRAA) staff has been working with representatives of the SJRWMD staff to resolve non-compliance issues regarding: 1) unauthorized land clearing reported to have taken place on Airport Property sometime between 1995 and 2000; and 2) failure to record a conservation easement associated with prior permitted taxiway improvements in 1992.

An originally proposed plan to locate a replacement conservation easement between existing runways met with opposition when reviewed by the Federal Aviation Administration (FAA) due to safety considerations associated with the potential attraction of hazardous wildlife. Consequently, GACRAA staff then contacted City staff to explore the possibility of providing the replacement conservation easement on a portion of the Gum Root Swamp property. City staff did indicate initial staff support for the use of the Gum Root Swamp property for the recording of the conservation easement in January, 2004. Based upon this communication from City staff, GACRAA subsequently moved forward with preparation of a required environmental report designed to determine a suitable substitute and ecologically equivalent portion of the property.

It is reported by GACRAA staff that the proposed conservation easement on Gum Root Swamp property, in addition to resolving the aforementioned non-compliance issues, may impact future development projects planned for Airport property.

City Parks, Recreation and Cultural Affairs staff indicates that the proposed

location of the conservation easement at Gum Root Swamp Park is acceptable based upon staff maintenance responsibilities and future plans for the Park. SJRWMD staff was contacted and indicated that the proposed location of the conservation easement is acceptable with respect to resolving GACRAA's aforementioned non-compliance issues. The proposed conservation easement and consent order will need to receive approval from the District's Governing Board.

Fiscal Note: It is reported that the City owned portion of Gum Root Swamp was purchased utilizing a funding allocation consisting of a 75% grant from the Florida Department of Transportation (FDOT) and 25% from the City of Gainesville in 1993. City records indicate a financial contribution of approximately \$118,000. Furthermore, records indicate that this portion of the Gum Root Swamp Park is not being carried as an asset on the City's books.

RECOMMENDATION

Recommended Motion: The City Commission: 1) hear a brief presentation on the proposed recording on the conservation easement; and 2) approve the proposed recording of the conservation easement in favor of the St. Johns River Water Management District subject to approval by the City Attorney and authorize the Mayor to execute and the City Clerk to attest the pertinent conservation easement documents.

Alternative Recommendation A: The City Commission 1) approve the proposed recording of the conservation easement in favor of the St. Johns River Water Management District subject to compensation provided to the City in the amount of \$118,000 or the proportionate share (25%) of the current appraised value, whichever is less, subject to approval by the City Attorney and authorize the Mayor to execute and the City Clerk to attest the pertinent conservation easement documents.

Alternative Recommendation B: The City Commission takes no action.

Legislative History

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

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060186

Gainesville Airport Authority (NB)

RECOMMENDATION

The City Commission hear a presentation from Jim Stringfellow recognizing the outstanding services of Gainesville Fire/Rescue, Gainesville Police Department and the Regional Transit System.

060141**Update on Teleworking Consortium Findings by Rita Mace Walson,
General Manager (B)**

The Teleworking Consortium staff performed an evaluation of the City of Gainesville's remote access needs, and is prepared to give the City Commission an update on their findings.

Explanation: The Teleworking Consortium, a non-profit organization, is funded by U.S. Congress to discover, evaluate and demonstrate software, hardware and services to enable remote work and collaboration.

Rita Mace Walson, General Manager of the Teleworking Consortium, gave a presentation to the Gainesville City Commission on January 23, 2006 and spoke about the benefits to employees and organizations utilizing a work-at-home program.

The Teleworking Consortium was contacted afterwards and asked to meet with General Government and GRU to look at existing remote access programs, and to evaluate potential improvements and expansions of those programs. Teleworking Consortium staff agreed to perform an evaluation for \$4,900, an amount equally split between General Government and GRU.

The evaluations were conducted on May 17-18, 2006, and Rita Walson has returned to present her organization's findings to the City Commission.

Fiscal Note: Funding implications will be discussed during the presentation.

RECOMMENDATION

The City Commission receive a report and written evaluation from Rita Mace Walson, General Manager of the Teleworking Consortium.

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GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****PUBLIC WORKS COMMITTEE**

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**PUBLIC SAFETY COMMITTEE****REGIONAL UTILITIES COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****060187****Mayor Pegeen Hanrahan - Charitable Landlords (B)****RECOMMENDATION***The City Commission refer the issue of landlord licenses for charitable landlords to the Community Development Committee.*

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COMMISSION COMMENTS (if time available)**PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****060100****Public Hearing to Approve the Campus Development Agreement for the University of Florida Campus Master Plan, 2005 - 2015 (B)****In accordance with Subsection 1013.30(15), Florida Statutes, the University of Florida must enter into an Agreement with their host local government(s) that addresses level-of-service requirements, deficiencies and campus impacts on public services and facilities. The host local government must adopt the Agreement in a manner consistent with the requirements of Chapter 163.3225.***Explanation: The University Comprehensive Master Plan process established in Subsection 1013.30 of the Florida Statutes is intended to facilitate coordination between universities and their host local governments. Subsection (1) states "This*

section contains provisions for campus planning and concurrency management that supersede the requirements of part II of chapter 163, except when stated otherwise in this section. These special growth management provisions are adopted in recognition of the unique relationship between university campuses and the local governments in which they are located. While the campuses provide research and educational benefits of statewide and national importance, and further provide substantial educational, economic, and cultural benefits to their host local governments, they may also have an adverse impact on the public facilities, services and natural resources of host governments. On balance, however, universities should be considered as vital public facilities of the state and local governments. The intent of this section is to address this unique relationship by providing for the preparation of campus master plans and associated campus development agreements." The University of Florida Board of Trustees adopted the final campus master plan on March 31, 2006.

The City Commission previously authorized the City Manager and the City Attorney to negotiate the terms and conditions of the Campus Development Agreement with the University of Florida. The Agreement must address level-of-service requirements, deficiencies, and campus development impacts on public facilities and services including roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation and public transportation. The Agreements may also address public electricity, non-potable water, law enforcement, fire, emergency rescue, gas and telephone facilities and services.

Staff has met with University of Florida staff and has negotiated a Campus Development Agreement that addresses the mitigation of transportation impacts and fire services impacts and ensures the University will pay the city's stormwater utility fee on certain properties.

Fiscal Note: If the Campus Development Agreement is approved as recommended, the City would receive: \$3,789,300 toward implementation of a county-wide traffic management system (TMS); \$4,800,000 (based on a rate of \$960,000 per year for five (5) years; FY2011-FY2015) for public transit rolling stock; \$515,230 toward construction of additional bicycle and pedestrian facilities in the Context Area; \$900,000 toward construction of roadway and intersection modifications on SW 2nd Avenue from SW 13th Street to S. Main Street; \$8,182,970 toward Archer Rd/SW 16th Avenue intersection modifications and toward the Archer Rd/SW 16th Avenue Connector; and \$800,000 for the purchase of certain emergency response apparatus.

RECOMMENDATION

Recommended Motion: The City Commission: 1) adopt the proposed Campus Development Agreement; and 2) authorize the City Manager to execute the Campus Development Agreement.

Alternative Recommendation A: The City Commission takes no action.

Legislative History

6/12/06 City Commission Approved as Amended (6 - 0 - 1 Absent)

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ADOPTION READING-ROLL CALL REQUIRED**050913****LAND USE - PHOENIX SUBDIVISION (B)****Ordinance No. 0-06-49, Petition 16LUC-06PB**

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 "Residential Medium-Density (8-30 units per acre)" to "Recreation"; located in the vicinity of 2611 Southwest 31st Place; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The subject property is 0.1 acres and is currently vacant common area for the Phoenix Apartments located west of Bivens Arm at 2611 SW 31st Place.

A portion of the common area for the apartments is proposed to be developed as a city-owned, publicly-accessible public park.

The proposed Recreation land use is compatible with the surrounding residential properties. This petition is related to Petition 17ZON-06 PB, which proposes PS (Public Services and Operations) zoning.

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

Public notice was published in the Gainesville Sun on February 28, 2006. Letters were mailed to surrounding property owners on March 1, 2006. The Plan Board held a public hearing March 16, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 16LUC-06 PB. Plan Board vote 6-0.

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 16LUC-06PB; and 2) adopt the proposed ordinance.

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050914**REZONING - PHOENIX SUBDIVISION (B)****Ordinance No. 0-06-50, Petition No. 17ZON-06PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from “Planned Development District” to “PS: Public services and operations district”; to allow a public park without approval of a preliminary development plan; located in the vicinity of 2611 Southwest 31st Place; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The subject property is 0.1 acres and is currently vacant common area for the Phoenix Apartments located west of Bivens Arm at 2611 SW 31st Place.

In 2001, when the City annexed the Phoenix Apartments, the City indicated that one of the annexation benefits would be increased public recreation. In 2004, the City Commission approved allocating \$100,000 for recreational improvements in the immediate vicinity of these apartments. A vote in early 2005 by the apartment residents approved deeding a common area to the City for the purpose of creating a publicly-accessible playground in a portion of the common area. This portion is the subject property for this petition.

A portion of the common area for the apartments is proposed to be developed as a city-owned, publicly-accessible public park. Since only Public Services and Operations (PS) zoning allows a public park use of property, the subject property must be rezoned to PS.

The proposed Public Services and Operations zoning is compatible with the surrounding residential properties. This petition is related to Petition 16LUC-06PB, which proposes Recreation land use.

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

Public notice was published in the Gainesville Sun on February 28, 2006. Letters were mailed to surrounding property owners on March 1, 2006. The Plan Board held a public hearing March 16, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 17ZON-06 PB. Plan Board vote 6-0.

RECOMMENDATION

The City Commission: 1) approve Petition No. 17ZON-06PB; and 2) adopt the proposed ordinance.

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

051162

CODE ENFORCEMENT BOARD FINES (B)

Ordinance No. 0-06-65

An ordinance of the City of Gainesville, Florida, relating to Code Enforcement Board fines; amending subsection (b) of section 30-388.1, of the City of Gainesville Code of Ordinances, providing for the maximum fines permitted by section 162.09(2)(d), Florida Statutes; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its meeting on June 12, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance giving the Code Enforcement Board or special magistrates, or both, authority to impose a maximum fine not to exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the CEB or special magistrate finds the violation to be irreparable or irreversible in nature, as provided by section 162.09(2)(d), Fla. Stat.

This ordinance requires two public hearings. If the ordinance passes on first reading, second and final reading will be held on July 10, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/12/06 City Commission Approved as Recommended (7 - 0)

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060017

LAND DEVELOPMENT CODE AMENDMENT ALLOWING COMPOUND USES BY RIGHT IN THE GENERAL OFFICE DISTRICT (B)

Ordinance No. 0-06-55; Petition No. 43TCH-06 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to compound uses in the OF (General office) district; amending section 30-23, adding to the definition of compound use as a use allowed by right in the OF (general office) zoning district; amending section 30-59, adding compound uses as a use by right and adding residential uses up to 20 units per acre in the Office (OR and OF) districts; 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

The Gainesville Land Development Code defines a “compound use” as “the use of any land or building in a particular zoning district for both a residential use and a non-residential use permitted in such district, either of which may be the principal use.”

In other words, a “compound use” allows a building to contain both a residence and a commercial activity within the same building—either of which may be the primary activity in the building—in a zoning district that allows the residential and commercial business types that are to occur within the building.

This petition proposes to add compound use as a use allowed by right in the OF (general office) zoning district. Doing so would therefore allow an office building (or other commercial activities allowed in the district, such as a vet, an exercise studio, or a membership organization) to contain a residence. It would also allow a residence to contain such non-residential activities allowed in the OF zoning district.

Currently, the OR (office residential), BUS (general business), MU-1 (mixed use low intensity), MU-2 (mixed use medium intensity), CCD (central city district), and W (warehouse) zoning districts allow compound uses by right.

The office zoning district allows uses that are considered compatible with residential use.

The Office land use category provides justification for allowing residences within office buildings. The Office land use category states that “the Office land use category identifies areas appropriate for office and residential uses.” The category also states that “residential uses in office districts shall be designed as new in-town development, mixed-use, live-work, compound use or shall accommodate existing residential development within the district.”

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

Public notice was published in the Gainesville Sun on April 4, 2006. Letters were mailed to owners of “Office” property on April 5, 2006. The Plan Board held a public hearing April 20, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 43TCH-06 PB. Plan Board vote 7-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, July 10, 2006.

RECOMMENDATION

The City Commission (1) approve Petition No. 43TCH-06 PB and (2) adopt the proposed ordinance.

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060058**PROPOSED AMENDMENTS TO CHAPTER 8, CODE OF ORDINANCES (B)****Ordinance No. 0-06-67**

An ordinance of the City of Gainesville, Florida; amending Chapter 8 of the Code of Ordinances of the City of Gainesville relating to discrimination; amending Section 8-3 and Section 8-24 to include the Airport Authority as a person subject to the ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its meeting of May 22, 2006, authorized the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 8 of the Code of Ordinances to bring the Airport Authority under the auspices of the City's discrimination ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/22/06 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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060080**ALAMAR GARDENS, LLC ANNEXATION (B)****Ordinance No. 0-06-61**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of Tax Parcels 06680-001-000, 06745-002-000, and 06745-002-001, and generally located south of the City limits and Tax Parcel 06745-000-000, west of the vicinity of SW 42nd Street, north of SW 20th Avenue, and east of the City limits; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, March 13, 2006, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On April 10, 2006 and April 24, 2006, the City Commission held advertised public hearings and adopted the Urban Services

Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

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

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

If adopted on first reading, the second and final reading of this ordinance will be July 10, 2006. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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060087

SEXUAL OFFENDERS/PREDATORS (B)

Ordinance 0-06-66

An ordinance of the City of Gainesville relating to sexual offenders and sexual predators; adding San Felasco County Park, located within the city limits, to the list of parks that prohibits child sexual offenders and predators from living within 2,500 feet of the park; correcting scrivener's errors; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Explanation: On June 12, 2006, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance adding San Felasco County Park to the list of parks located within the City limits which prohibits child sexual offenders and predators from living within 2,500 feet of the park.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/12/06 City Commission Approved as Recommended (7 - 0)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

RESOLUTIONS- ROLL CALL REQUIRED

060184

Refunding of Utilities System Revenue Bonds, 1996 Series A; Financing for Construction; and Amendment of Certain Interest Rate Swap Transactions (B)**Staff recommends the adoption the attached resolution (Authorizing Resolution).**

Explanation: In July 2005, the City Commission authorized, among other things (1) the refunding of the 1996 Series A Bonds through the issuance of either fixed-rate bonds or variable-rate bonds that are converted synthetically to a fixed rate through the use of a "floating-to-fixed" interest rate swap; and (2) the negotiation of one or more "floating-to-fixed" interest rate swaps with Goldman, Sachs and/or Bear, Stearns if the financing team determined that it was most beneficial to the Utility to issue variable-rate bonds that are converted synthetically to a fixed rate.

Upon the advice of the Utility's Financial Advisor and the Co-Senior Managers, Utilities staff entered into two interest rate swap transactions on September 21, 2005. The first was a swap with BSFP that permitted us to achieve a favorable fixed rate of interest for a synthetic advance refunding of a portion of the 1996 Series A Bonds which, in conjunction with the issuance of the 2005 Series C Bonds, is expected to provide net present value savings of \$6.861 million. The second was a swap with GSMMDP that permitted us to achieve a favorable fixed rate of interest for a synthetic current refunding of a portion of the 1996 Series A Bonds which, in conjunction with the issuance of the 2006 Series A Bonds, is expected to provide net present value savings of \$6.376 million.

On November 16, 2005, the 2005 Series C Bonds were issued to complete the advance refunding of a portion of the 1996 Series A Bonds.

The issuance of the 2006 Series A Bonds is scheduled to occur on July 6, 2006 in order to complete the current refunding of a portion of the 1996 Series A Bonds and to provide funds for capital projects. We recommend that the City Commission adopt the attached Authorizing Resolution which approves the sale of the 2006 Series A Bonds.

Current market conditions present an opportunity for the Utility to benefit from the flat LIBOR yield curve by amending the current interest rate swaps to convert the floating rate option thereunder (which is based on a percentage of 1-month LIBOR (a taxable rate)) to an alternate floating rate option, without increasing the fixed rates payable by the Utility under the swaps and without requiring any other additional payments by the Utility thereunder. The options that we currently are evaluating either have the Utility (1) receiving a percentage of 10-year LIBOR; or (2) receiving a percentage of 10-year LIBOR less a predetermined spread.

In the case of each of the alternate floating rate options described above, it is expected that the Utility will receive higher payments from the counterparties than would be the case under the existing floating rate option, thereby reducing debt service on the 2005 Series C Bonds and the 2006 Series A Bonds. If

realized, these savings would be spread over the lives of those Bonds and would serve to reduce in small part the amount of future rate increases that will be required of our ratepayers. However, the optimal solution will depend on various issues, including market conditions existing at the time of execution. In addition, in the case of the swap with BSFP relating to the 2005 Series C Bonds, federal income tax considerations prevent us from executing the amendment until October 2, 2006. Thus, since it is not absolutely clear which option is best for us at this time, we recommend that staff and our Financial Advisor continue to review the options, and that the General Manager be delegated the authority to execute appropriate amendments to the swaps if and when it is determined to be in the Utility's best interests to do so.

This delegation authorizes the General Manager or her designee: i) to determine, among other things, the indices on which payments to GRU by BSFP and/or GSMMDP will be based, provided that the indices shall be based on 10-year LIBOR or 10-year LIBOR less a negotiated spread; and ii) to make such changes to the swap documents as she determines are necessary or appropriate, subject to the approval of the City Attorney as to form and legality.

The Clerk of the Commission, the General Manger or other Authorized Officers of the City may be required to take certain other actions and hire certain other professionals to proceed with the issuance of the 2006 Series A Bonds and the amendment of the swaps as described above. Therefore, we recommend that these officials be authorized to take such other actions that may be necessary or desirable to proceed with the issuance and closing of the bond issue and the amendment of the swaps in accordance with this City Commission authorization.

Fiscal Note: There will be substantial present value savings that will accrue to our ratepayers from the refunding in the years through 2026 and, if it is determined appropriate to amend the swaps as described above, it is expected that there would be additional savings over that period.

RECOMMENDATION

The City Commission: 1) Adopt the attached resolution (Authorizing Resolution), which: a) incorporates by reference and adopts, and authorizes the execution and delivery of, a Seventeenth Supplemental Utilities System Revenue Bond Resolution which authorizes the issuance, sale, execution and delivery of \$53,305,000 in aggregate principal amount of the City's tax-exempt Variable Rate Utilities System Revenue Bonds, 2006 Series A (2006 Series A Bonds) in order to (i) current refund a portion of the City's Utilities System Revenue Bonds, 1996 Series A (1996 Series A Bonds) and (ii) provide monies needed for payment of Costs of Acquisition and Construction (capital projects); b) approves the form, and authorizes the execution and delivery, of a contract of purchase between the City and Goldman, Sachs & Co., as sole underwriter; c) approves the form, and authorizes the execution and delivery, of a remarketing agreement between the City and Goldman, Sachs & Co., pursuant to which Goldman, Sachs & Co. will serve as the initial remarketing agent for the 2006 Series A Bonds; d)

approves the form, and authorizes the execution and delivery, of a tender agency agreement between the City and U.S. Bank Trust National Association (who currently serves as Trustee for our Utilities System Revenue Bonds), pursuant to which U.S. Bank Trust will serve as the initial tender agent for the 2006 Series A Bonds; e) approves the form, and authorizes the execution and delivery, of a standby bond purchase agreement between the City and SunTrust Bank, pursuant to which SunTrust Bank initially will provide liquidity support for any 2006 Series A Bonds that are tendered for purchase and not remarketed; f) approves the form, and authorizes the execution and delivery, of an escrow deposit agreement relating to the current refunding of a portion of the 1996 Series A Bonds, authorizes the deposit of bond proceeds and certain other amounts into the escrow account to be established pursuant to said escrow deposit agreement, authorizes the investment of such monies in United States Treasury Securities - State and Local Government Series and ratifies the subscription of such United States Treasury Securities; g) authorizes the authentication and delivery of the 2006 Series A Bonds; h) approves the form and use of the official statement relating to the 2006 Series A Bonds; i) authorizes the registration or qualification of the 2006 Series A Bonds under the blue sky laws of various states; j) in the event that the 2006 Series A Bonds are converted to the auction mode, the term mode or the fixed mode, approves the form, and authorizes the execution and delivery, of a continuing disclosure certificate; k) authorizes certain City officials to take other actions in connection with the issuance, sale and delivery of the 2006 Series A Bonds; l) delegates the authority to extend the term of any facility providing liquidity support for the 2006 Series A Bonds or to procure another facility in substitution therefore; and m) delegates the authority to remove the remarketing agent and/or the tender agent for the 2006 Series A Bonds and to appoint successor(s) therefore. 2) Authorize an amendment of the interest rate swap transaction between the City and Bear Stearns Financial Products Inc. (BSFP) entered into on September 21, 2005 to allow for the index upon which the floating rate payable to the City thereunder is based (the floating rate option) to be changed if the financing team decides that it is beneficial to the Utility to do so, in order to lower the debt service expected to be paid on the City's Variable Rate Utilities System Revenue Bonds, 2005 Series C (2005 Series C Bonds); 3) Authorize an amendment of the interest rate swap transaction between the City and Goldman Sachs

Mitsui Marine Derivative Products, L.P. (GSMMDP) entered into on September 21, 2005 to allow for the floating rate option thereunder to be changed if the financing team decides that it is beneficial to the Utility to do so, in order to lower the debt service expected to be paid on the 2006 Series A Bonds; and 4) Authorize the Clerk of the Commission, the General Manager and other Authorized Officers of the City (as defined in the City's Amended and Restated Utilities System Revenue Bond Resolution) to execute such documents as may be necessary to proceed with the transactions authorized above, and to take such other actions as may be necessary or advisable to proceed with such transactions in accordance with this City Commission authorization.

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060131

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

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2006 General Government budget those transactions and activities that were not anticipated during the budget process.

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

RECOMMENDATION

The City Commission adopt the resolution.

Legislative History

6/14/06 Audit, Finance and Legislative Committee Recommended for Approval (2 - 0)

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PLAN BOARD PETITIONS

060110

Amend Future Land Use from MUL to PUD (B)

Petition 36LUC-06PB. Causseaux & Ellington, Inc., agent for Gatorwood Apartments, LLC. Amend the City of Gainesville Future Land Use Map

from MUL (Mixed-Use Low-Intensity: 8-30 units per acre) to PUD (Planned Use District). Located at 2337 Southwest Archer Road. Related to Petition 37PDV-06PB.

Explanation: The subject property is approximately 9.15 acres in size. Old Archer Road abuts on the north. Immediately north of Old Archer Road is Southwest Archer Road (SR 24). A single-family residence and University of Florida agriculture facilities are located on abutting parcels to the south. Southwest 23rd Street abuts the subject property on the east. A warehousing and distribution facility is located immediately west.

Gatorwood Apartments, a vacant multi-family residential development, is currently located on the subject property. The applicant would like to demolish the Gatorwood Apartments development and replace it with a new, mixed-use residential development. The new, mixed-use residential development will involve the construction of a multi-story building to include multi-family residential units, office space, retail space and an internal parking facility. Other proposed features include stormwater facilities, landscape/open space areas, sidewalks, and a new bus shelter.

The principal use will be multi-family residential, which is proposed at 40 dwelling units per acre. This density will allow a maximum of 366 multi-family residential units. The multi-story building will be constructed to a maximum height of 70 feet, which exceeds the maximum five-stories permitted by right within the current land use district. The application documents indicate that the proposed increase in density and intensity promotes infill development that will accommodate population growth in the area near the University of Florida, Shands Healthcare, and the Veteran's Administration Medical Center.

The City Plan Board considered the above-referenced petition at a public hearing held May 18, 2006. By a vote of 4-0, the City Plan Board approved Petition 36LUC-06PB with staff conditions, and modified Condition 12 of the staff report to read as follows: A maximum of three driveway connections shall be allowed onto public right-of-way, one from Old Archer Road and two from Southwest 23rd Street, subject to approval by the relevant regulating authorities.

Public notice was published in the Gainesville Sun on May 2, 2006. Letters were mailed to surrounding property owners on May 3, 2006. The Plan Board held a public hearing on May 18, 2006.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 36LUC-06PB with staff conditions, and modify Condition 12 of the staff report to read as follows: A maximum of three driveway connections shall be allowed onto public right-of-way, one from Old Archer Road and two from Southwest 23rd Street, subject to approval by the relevant regulating authorities. Plan Board vote: 4-0.

Staff to Plan Board - Approve Petition 36LUC -06PB

with staff conditions.

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060111

Rezone Property from MU-1 to PD (B)

Petition 37PDV-06PB. Causseaux & Ellington, Inc., agent for Gatorwood Apartments, LLC. Rezone property from MU-1 (Mixed use low intensity district) to PD (Planned development) for a residential, mixed use development. Located at 2337 Southwest Archer Road. Related to Petition 36LUC-06PB.

Explanation: The subject property consists of approximately 9.15 acres. Old Archer Road abuts the subject property on the north, and immediately north of Old Archer Road is Southwest Archer Road (SR 24). A single-family residence and University of Florida agriculture facilities are located on abutting parcels to the south. Southwest 23rd Street abuts on the east. A warehousing and distribution facility is located immediately west.

Gatorwood Apartments, a vacant multi-family residential development, currently occupies the subject property. The applicant would like to demolish the Gatorwood Apartments development and replace it with a new, mixed-use residential development. According to the applicant's attached PD Report entitled, "Gatorwood Apartments: Planned Development Report" and PD Layout Plan Map, the proposed development will involve the construction of a multi-story building with a maximum height of 70 feet. The building will include multi-family residential units up to 40 dwelling units per acre. The building will also include office space, retail space and an internal parking facility. Other proposed features include stormwater facilities, landscape/open space areas, sidewalks, and a new bus shelter.

According to the applicant, the PD zoning designation will allow the use of innovative design features in redeveloping the subject property as a mixed-use residential development. The applicant has also expressed that the PD zoning designation, in association with the requested PUD land use designation, will allow redevelopment of the subject property at a higher density than currently allowed, in order to accommodate a growing population within the University of Florida, Shands Hospital and the Veteran's Administration Hospital area.

The City Plan Board considered the above-referenced petition, at a public hearing held May 18, 2006. By a vote of 4-0, the City Plan Board approved Petition 37PDV-06PB with staff conditions, and modified Condition 14 of the staff report to read as follows: The total number of vehicle parking spaces provided shall not exceed one per bedroom. The City Plan Board also recommended that the owner/developer try to orient the retail portion of the proposed development toward Old Archer Road.

Public notice was published in the Gainesville Sun on May 2, 2006. Letters were mailed to surrounding property owners on May 3, 2006.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 37PDV-06PB with staff conditions, and modify Condition 14 of the staff report to read as follows: The total number of vehicle parking spaces provided shall not exceed one per bedroom. Plan Board vote 4-0.

Staff to City Plan Board - Approve Petition 37PDV-06PB with staff conditions.

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060144**Extension of Time for Park Central Holdings (B)**

Petition 10PDV-04 PB. Quasi-Judicial. Gerry Dedenbach, AICP, agent for Park Central Holdings of Gainesville, LLC. Request for a one-year extension of time (to August 2007) for the final development plan to be completed. Located in the 700 block of Northwest 13th Street.

Explanation: This is a request to extend the expiration date for the above referenced petition by one year. Condition 27 of Ordinance 030904, Park Central Holdings Planned Development, approved on July 12, 2004, required the final development plan to be completed within two years, but provided the option for the applicant to request a one-time, one-year extension. The request is necessary to accommodate design and engineering modifications to the approved Planned Development, as a result of ownership change.

The Plan Board heard this request and recommended that it be approved to Planned Development.

Public notice was published in the Gainesville Sun on May 2, 2006. Letters were mailed to surrounding property owners on May 3, 2006. The Plan Board held a public hearing May 18, 2006.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve the extension of time. Plan Board vote 4-0.

Staff to Plan Board - Approve

Alternative Recommendation: Disapprove the requested extension of time.

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

The City Commission will need to waive the rules to hear Item #060177 at 7:00 PM

060177

CHARTER REVIEW COMMITTEE FINAL REPORT(B)

RECOMMENDATION

Hear from the Chair the final report of the Charter Review Committee.

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UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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