

City of Gainesville

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



Meeting Agenda

September 26, 2005

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER - 1:04 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

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

040597

Funding for Gainesville Police Department Police Beat Television Show (NB)

Explanation: On February 28, 2005, the City Commission approved the Gainesville Police Department's funding recommendation for the Department of Justice, Office of Justice Programs FY 2005 Edward Byrne Memorial Justice Assistance Grant program. Among the approved requests was funding for the Department's Police Beat television show. The show is used to explain the Department's community oriented policing initiatives, as well as showcase crime prevention activities and various specialty unit operations.

GPD has been doing the show for over five years, and has produced 60 episodes. In the past year, GPD has highlighted numerous features about the department as well, as numerous unsolved crimes. Additionally, GPD continues to use the show as a format to give the citizens of Gainesville crime prevention information. These requested funds will cover the production and airing of 12 new thirty-minute shows to air the second and fourth Saturdays of each month on CBS Channel 4.

Fiscal Note: Funds for this one year agreement, covering the period October 1, 2005 through September 30, 2006, total \$44,200 and are available in the Department of Justice, Office of Justice Programs FY 2005 Edward Byrne Memorial Justice Assistance Grant account.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute the extension to the contract, subject to the approval of the City Attorney as to form and legality; and 2) approve the expenditure and issuance of a purchase order to Studio 601, Inc., Gainesville, Florida, in the amount of \$44,200 for the continuation of funding of the Police Beat Television show.

Legislative History

10/25/04 City Commission Approved as Recommended (7 - 0)

040629**Extension of Florida Concrete Recycling Inc. Demolition Contract (NB)**

Explanation: At its November 8, 2004 meeting, the City Commission approved a contract with Florida Concrete Recycling Inc. to provide administrative abatement of dangerous buildings through demolitions, which will expire on September 30, 2005.

The contract allows for three one-year extensions. This is the first request for an extension to the contract, which will cover October 1, 2005 through September 30, 2006. Florida Concrete Recycling Inc. is an approved small business enterprise and has been prompt with demolitions.

Fiscal Note: Funds in the amount of \$45,000 are budgeted in the FY 2006 Code Enforcement Contractual Services account, to covers demolitions and lot clears.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to execute the First Extension to the contract with Florida Concrete Recycling Inc. for Demolition Services, extending the term of the contract from October 1, 2005 to September 30, 2006; and 2) approve issuance of a purchase order in a not to exceed amount of \$45,000, subject to final appropriation of funds for FY2006.

Legislative History

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

050046**Change Order Number One for Stream Debris Removal Project at Lenox Place (B)**

Explanation: On June 13, 2005, the City Commission authorized the award of bid and issuance of a purchase order to Nichols Construction, Inc. in the amount of \$38,850 for the stream debris removal project at Lenox Place. During the debris removal process, additional debris was identified for removal along the creek resulting in an increase in work for the contractor.

The contractor has requested a change order for payment for the additional work provided, based upon prorating the bid amount for the debris removal portion of this project. That amount is \$14,847 and will increase the purchase order amount to \$53,697. The National Resource Conservation Services (NRCS) and the Lenox Homeowners Association (LHA) provide the funding for this work. There are sufficient funds available from the NRCS agreement and provided by the LHA to address this additional cost.

Fiscal Note: The National Resource Conservation Services (NRCS) and the Lenox Homeowners Association (LHA) will provide the additional required funding.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to execute Change Order Number One to the contract for the Stream Debris Removal Project at Lenox Place with Nichols Construction, Inc., subject to approval of the City Attorney as to form and legality; and 2) authorize the modification to increase the purchase order to Nichols Construction, Inc. from \$38,850 to a not to exceed amount of \$53,697.

Legislative History

6/13/05 City Commission Approved as Recommended (7 - 0)

050046_200509261300.pdf

050193

Hogtown Creek NW 8th Avenue Culvert Sediment Removal (B)

Explanation: The City Commission awarded the bid for the sediment removal from the Hogtown Creek NW 8th Avenue Culvert to Subaqueous Services, Inc. on July 25, 2005, and authorized the City Manager to execute the contract and issue the purchase order for \$89,069. During the on site pre-construction meeting, it was determined and verified by Public Works engineering staff that the amount of sediment to be removed exceeded the quantity defined in the bid documents by 400 cubic yards. The contractor's bid price for additional sediment removal is \$10,000 per 100 cubic yards. Therefore, the cost of the additional work is \$40,000. The contract schedule is not changed by the additional work.

The City of Gainesville entered into a grant agreement with the United States Natural Resources Conservation Services where they would provide 75 percent of the funding for this work through their Emergency Watershed Protection Program. The additional work costs are within the funding limits of this agreement.

Fiscal Note: Funds are available in the NRCS Grant account in the Miscellaneous Grant Fund.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to execute a modification to the existing contract for the sediment removal from the Hogtown Creek NW 8th Avenue Culvert, subject to approval of the City Attorney as to form and legality; and 2) issue

a purchase order modification to Subaqueous Services, Inc., for additional work, increasing the amount of the purchase order from \$89,069 to \$129,069.

Legislative History

7/25/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)

050193_200507251300.pdf

050193_200509261300.pdf

050198

Amended Funding Amount for the Agreement with Human Services Associates, Inc. (HSA) to Provide Security at the Juvenile Assessment Center (NB)

Explanation: On July 25, 2005, the City Commission approved funding for this agreement to defray the security costs for the operation of the Gainesville Regional Juvenile Assessment Center (JAC) for the period October 1, 2005 through September 30, 2006. Staff has recently confirmed with the Office of Management and Budget that the correct budgeted amount is \$90,000, and is recommending approval of the additional funding allocation by way of this amended agenda item. Human Services Associates is the sub-contractor for the Florida Department of Juvenile Justice; however, the Department of Juvenile Justice considers the funding of security to be a local issue and will only fund the cost of screening services. The JAC serves twelve counties and is utilized by the Gainesville Police Department, as well as a number of regional law enforcement agencies. GPD has utilized this facility to refer or drop off approximately 900 juveniles per year. Funding from the City of Gainesville, the Alachua County Sheriff's Office, and other regional jurisdictions facilitate the 24-hour, 7-day per week security services that enable the JAC to receive clients on an around-the-clock basis.

Fiscal Note: Funding for this agreement is available in the City's FY 06 budget, account #001-810-8170-5210-8100.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute the agreement with Human Services Associates, Inc., subject to the approval of the City Attorney as to form and legality; and 2) authorize the issuance of a purchase order in an amount not to exceed \$90,000 for this agreement.

Legislative History

7/25/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)

050410

Award of Tennis Professional Services for the City of Gainesville (B)

Explanation: The City-owned tennis courts are currently managed under a professional services contract with tennis professional Mike Oransky. Mr. Oransky provides lessons, conducts tournaments, and assists with the oversight of the City's tennis facilities. The current contract for these services expires on October 1, 2005.

On June 16, 2005, the City's Purchasing Department, at the request of the Recreation and Parks Department, sent out via Demandstar a solicitation for a new tennis services provider. Eleven potential proposers obtained the Request for Proposals (RFPs) from Demandstar, with one vendor submitting a proposal. The single proposal, submitted by Mike Oransky, Tennis Pro, (the current provider) met the requirements of the RFP.

Under the current tennis provider contract, Mike Oransky pays the City \$6,000 per year. Under the new contract, Mr. Oransky will pay the City \$15,000 per year. The term of the new contract will be for three years, with the possibility of a two year renewal.

Fiscal Note: The City will receive \$15,000 per year from the contract.

RECOMMENDATION

The City Commission: 1) approve award of the Tennis Professional Services Contract to Mike Oransky; and 2) authorize the City Manager or designee to execute all contract documents with Mike Oransky for Tennis Professional Services, subject to approval by the City Attorney as to form and legality.

050410_200509261300.pdf

050411

Bid Award for Resurfacing the Airport Industrial Park Driving Range Facility (B)

Explanation: The driving range facility at the Airport Industrial Park was used in conjunction with the hurricane debris removal process in the fall and winter of 2004-2005. The paved surface was severely damaged during this work and resurfacing is required. FEMA has agreed to provide reimbursement funding for 90% of the resurfacing cost.

On June 29, 2005, the Purchasing Department published invitations to bid for the resurfacing project. There were thirteen (13) plan holders, with three (3) firms responding with a bid. The bid of John C. Hipp Construction Equipment Co., of Alachua, Florida, was determined to be both lowest and responsive in the amount of \$202,336.55.

Fiscal Note: Funding for this project is provided through City's Hurricane Recovery Fund and will be 90% reimbursed by FEMA.

RECOMMENDATION

The City Commission: 1) award the bid for resurfacing the driving range facility at the Airport Industrial Park to John C. Hipp Construction Equipment Co., of Alachua, Florida, in the amount of \$202,336.55; 2) authorize the City Manager or designee to execute the contract, subject to approval of the City Attorney as to form and legality; and 3) authorize the issuance of a purchase order to John C. Hipp Construction Equipment Co. in the amount of 202,336.55.

050411_200509261300.pdf

050412**Bid Award for Repair/Rebuild of Allison Transmissions (B)**

Explanation: RTS and the Fleet Management Department utilize Allison Transmissions authorized repair facilities for the repair/rebuild of medium and heavy-duty trucks and bus transmissions. On August 5, 2005, the Purchasing Department solicited bids from one hundred twenty-two (122) vendors through Demand Star, with five (5) vendors obtaining the proposal documents. Three (3) responses were received. The bids were evaluated and TransDiesel of Ocala was determined the best-evaluated bid. The term of the contract will be one year with an option of two (2) one-year extensions, subject to funding and written consent of both parties.

Fiscal Note: The estimated RTS annual expenditure for Allison Transmissions repair service is approximately \$95,000. The Fleet Management Department will also utilize this contract and provide their share of funding in the amount of \$15,000. Funds are available in both the RTS and Fleet Management FY06 operating budgets.

RECOMMENDATION

The City Commission: 1) award the bid to TransDiesel of Ocala for the repair/rebuild of Allison Transmissions for RTS and the Fleet Management Department; and 2) authorize the City Manager or designee to execute the initial one-year contract and any subsequent annual extensions, subject to approval of the City Attorney as to form and legality.

050412_200509261300.pdf

050413**Application for Disability Retirement (B)**

Explanation: A meeting of the Disability Review Committee was conducted on Friday, August 31, 2005, to review the application for disability retirement for Bobby Boyd. In reviewing the application and supporting information from Mr. Boyd's physician, it is the recommendation of the Disability Review Committee that the City Commission approve the application.

Mr. Boyd has been under the care of physicians for several medical reasons. Information provided to the Committee from Mr. Boyd's physician and from the City of Gainesville's third party administrator Health Direct Inc. states that Mr. Boyd 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 this employee has been determined to be \$2,087.96 (Final average monthly earnings: \$2284.47; Final monthly benefit (without Social Security offset, if any determined at a later date): \$913.79. These benefits shall become effective April 1, 2005.) These benefits will be paid from the Disability Pension Fund.

RECOMMENDATION

The City Commission approve the submitted application for disability retirement for RTS Transit Operator Bobby Boyd.

050413_200509261300.pdf

050414**Contract Extension to Lewis Oil Company of Gainesville for Fuel Management Services (B)**

Explanation: In October 2001, the City Commission awarded a three-year contract to Lewis Oil Company of Gainesville to provide fuel and fuel management services for Fleet Management and the Gainesville Police Department. The original contract allowed the City, at its option, to negotiate and extend the contract for up to three additional one-year terms. In addition to supplying fuel, the contract's scope of services called for the provision of fuel pumps and a fuel monitoring system, which under the terms of the agreement become the City's property at the end of four years.

Fleet Management recommends taking advantage of the contract provisions to extend the contract for an additional one-year term. This will be the second of the three available extensions on this contract. Per the original agreement, the fuel pumps and monitoring system will become property of the City effective October 1, 2005, with Lewis Oil continuing to provide basic maintenance on the equipment as well as monitoring inventory.

Fiscal Note: Funds are available in the Fleet Management's budget for FY06.

RECOMMENDATION

The City Commission: 1) approve the extension of the current contract with Lewis Oil Company of Gainesville for a period of one-year; and 2) authorize the City Manager or designee to execute the contract extension.

050414_200509261300.pdf

050415**Amending the International City Management Association Retirement Corporation ("RC") Administrative Services Agreements Plans 108827, 109056, and 300646 (B)**

Explanation: The plans are the City's 401(a) money purchase plan (108827), 401(a) plan (108827), and the City's 457 plan (109956). The amended agreements will eliminate the annual \$18.00 maintenance fee that is currently charged to each employee on each of the above plans in which they participate. These amendments will save City employees \$16,668 per year. The elimination of the annual \$18.00 maintenance fee is contingent upon the City's continued use of EZLink for enrollment and contribution procession over the 5-year term of the Agreements, and upon the City not obtaining plan administration and investment advisory services for the plans from anyone other than the existing plan administrators and/or assignees during the term of the Agreements.

Currently the City has two vendors providing plan administration and investment advisory services for its deferred compensation plans. The two vendors are The International City Management Association Retirement Corporation ("RC") and National Deferred Compensation, Inc.

Fiscal Note: None

RECOMMENDATION *Authorize the City Manager to execute the amendments.*

050415_200509261300.pdf

050416

Florida Department of Transportation "Gainesville Police DUI Specialist" Grant Award Notification (B)

Explanation: On September 7, 2005, the City of Gainesville received notification from the Florida Department of Transportation (FDOT) that it would be receiving \$39,276 in grant funds towards the continuation of the Gainesville Police Department DUI Specialist grant project. This grant continuation award was the result of a "Concept Paper" submitted by the Gainesville Police Department to the FDOT on April 4, 2005. It will fund the second year of the program, which created an additional sworn officer position within the GPD Traffic Safety Team whose sole duty will be the enforcement of laws involving "Driving Under the Influence (DUI)" related offenses.

Fiscal Note: This will be the second year of the grant project totaling \$52,368. The grant award amount of \$39,276 reflects 75% of the overall project total. The second year award requires a local match of \$13,092 which reflects 25% of the overall project total. Funds for this expenditure are available in the General Fund fund balance. If after the second year of the project, the City of Gainesville elects to apply for renewed funding, the third year of the project would require local matching funds in the amount of 50% of the project total. Following the completion of the third year, the City of Gainesville would be expected by the FDOT to continue funding of the project activities.

RECOMMENDATION *The City Commission authorize the City Manager to:*
1) accept the grant award totaling \$39,276 from the Florida Department of Transportation; 2) appropriate \$13,092 from the General Fund balance for the match; and 3) execute any other necessary documents, pending review by the City Attorney as to form and legality.

050416_200509261300.pdf

050417

FEMA Hazard Mitigation Grant Program Application for Gainesville Urban Area LiDAR (NB)

Explanation: Hazard Mitigation Grant Program (HMGP) Planning funds are available as a result of the recent Presidential Disaster Declaration (FEMA-1539, 1545, 1551, 1561 DR-FL). The HMGP is authorized by Section 404 of the Robert T.

Stafford Disaster Relief Act and is designed to assist communities in implementing mitigation measures designed to reduce or eliminate long-term risk to people and property from natural hazards and their effects. The HMGP Planning applications will be funded on a competitive basis.

Fiscal Note: The Gainesville Urban Area LiDAR total project cost is \$400,000. Under HMGP, FEMA will contribute up to 74 percent of the total amount approved under the grant award to implement the eligible cost-effective mitigation measures. The City match will be 26 percent or \$104,000. Funds are available in the NPDES program budget.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to apply for HMGP Planning funds; 2) authorize the encumbrance of the required matching funds; and 3) execute the grant agreement, subject to approval of the City Attorney as to form and legality.

050418

Florida Food Service, Inc. - Proposed Option and Purchase and Sales Agreement to Facilitate Expansion (B)

Explanation: On January 13, 1997, the City Commission approved a Contract for Purchase and Sale and Option Agreement with Florida Food Service, Inc for property located in the City's Airport Industrial Park. The Contract stipulated that Florida Food Service, Inc would purchase 6.94 acres of land with an Option to purchase an additional 3.47 acres of land at a future date (within five (5) years of closing on the original 6.94 acres).

On July 13, 2005, City of Gainesville staff received communication from Florida Food Service, Inc indicating an interest in exercising the Option on property (Lot 12) in order to facilitate future expansion plans. Per the Contract for Purchase and Sale and Option Agreement and subsequent amendment, the closing on the original Option is intended to occur within sixty days of written notification. The City Commission authorized the Mayor and appropriate City staff to execute all documents to facilitate the exercise of Option on Lot 12 on August 8, 2005.

Recently, Florida Food Service, Inc indicated an interest in acquiring an additional piece of Airport Industrial Park property designed to further facilitate its proposed expansion. The property is comprised of approximately 3.51 acres and lies adjacent to the east of Lots 12 and 13. The property is reported to have suffered environmental contamination generated by property immediately adjacent to the north. City staff has worked with the City Attorney's office to craft language that would indemnify the Purchaser from preexisting environmental conditions. This additional property is planned to be utilized for access and parking associated with the primary food distribution business.

In the interests of timeliness, the proposed project was conceptually reviewed and approved by the Gainesville Alachua County Airport Authority (GACRAA)

on September 15, 2005. GACRAA did request, as a condition of the approval resolution, that the Airport Authority be indemnified due to the pre-existing environmental conditions that may be present on the property.

Fiscal Note: The Purchaser has offered a purchase price of \$76,342 for the 3.51 acres at \$21,750 per acre. This purchase price is consistent with that offered on Lot 12 in 1997 and reflects a discount based upon the reported condition of the property. Per prior agreement with the GACRAA, the proceeds of the closing on the Option property will be forwarded to the Airport Authority and the difference if any, between the purchase price and fair market value will be reimbursed to GACRAA based upon receipt of 50% ad valorem revenues for a period of ten (10) years following closing.

RECOMMENDATION

The City Commission: 1) approve the attached Option and Purchase and Sales Agreement for the purchase of the proposed 3.51 acres in the Airport Industrial Park; 2) authorize the City Manager to sign the contract which has been approved by the City Attorney as to form and legality; and 3) authorize the Mayor and Clerk of the Commission to execute the closing documents.

050418a_200509261300.pdf

050418b_200509261300.pdf

050418c_200509261300.pdf

050418d_200509261300.pdf

050418e_200509261300.pdf

050418f_200509261300.pdf

050419**Co-Sponsorship Guidelines for Thomas Center Building "A" (B)**

Explanation: The Thomas Center is a resource center for arts and cultural services to the City of Gainesville. The Thomas Center Building "A" space is rented out for meeting and social events. These events may not be specifically cultural in nature. In addition, The Cultural Affairs Department also offers a co-sponsorship program to local artists for cultural events that are held at the Thomas Center.

The City Commission approves the "Building Use Regulations and Fees" guidelines for the Thomas Center Building "A". Staff would like to update Page 5 of the guidelines to include additional language to further clarify the Department's co-sponsorship program.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission approve the additional language to the Building Use Regulations and Fees guidelines.

050419_200509261300.pdf

050420**Proposed Name Change for the Public Recreation Advisory Board (B)**

Explanation: At the Public Recreation Advisory Board annual retreat on July 9, 2005, a proposal was made to change the name of the Public Recreation Advisory Board to the Public Recreation and Parks Advisory Board. The Board voted to approve this recommendation at its August 17, 2005 regular business meeting.

The Board now requests permission from the City Commission to officially change its name to the Public Recreation and Parks Advisory Board.

Fiscal Note: None

RECOMMENDATION

The City Commission approve the requested change in the Board's name from the Public Recreation Advisory Board to the Public Recreation and Parks Advisory Board.

050420_200509261300.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**050427****Approval of Contract Amendment and Issuance of Purchase Orders for Herbicides (NB)**

Explanation: Vegetation Management purchases herbicides for chemical vegetation control on GRU rights-of-way, substations, power plant sites and other properties as

may be required. Vegetation Management has implemented an aggressive herbicide program for its rights-of-way to control long term costs for vegetation control.

The City Commission approved the award of a contract to Helena Chemical Company for herbicides on September 23, 2002 for a three year period. The contract allows for two (2) twelve-month extensions of the contract based upon mutual agreement of the parties and negotiation of the contract prices. Helena Chemical Company has agreed to extend the contract and has submitted new pricing, which represents decreases on certain items purchased by GRU. This extension represents the first of the two available under this contract.

Helena Chemical has been an excellent supplier to GRU for several years. Helena Chemical's pricing remains extremely competitive for the market. Therefore, staff does not believe there would be any cost benefit gained by rebidding the contract at this time.

Fiscal Note: Funds for these purchases have been included in the Proposed Operation and Maintenance portion of Energy Delivery's FY 2006 budget.

RECOMMENDATION

The City Commission authorize the General Manager or his designee to execute an amendment to extend the contract with Helena Chemical Company for herbicides for GRU's Vegetation Management Division for a one-year period and approve the issuance of a purchase order in an amount not to exceed \$50,000.00, subject to the final appropriation of funds for FY 2006.

050428

Approval of a Contract Amendment and Issuance of Purchase Orders for Limerock (NB)

Explanation: Limerock is used by the Wastewater Collection and Water Distribution Divisions as a base course for roadway construction. The Vegetation Management division utilizes limerock for right-of-way access roads. Other GRU operating departments and plants require limerock for various projects and/or processes.

The City Commission approved the award of a contract to Limerock Industries, Inc. on September 24, 2001 for a three year period. The contract allowed for two (2) twelve-month extensions of the contract based upon mutual agreement of the parties and negotiation of the contract prices. The parties entered into an Amendment to the Contract on October 1, 2004, extending the term through September 30, 2005. Limerock Industries, Inc. has agreed to extend the contract for an additional twelve months with a 10% increase based on increased fuel prices, which has directly impacted the company's operational and hauling costs. This extension represents the last of the two available under this contract.

Limerock Industries, Inc. provides excellent service and the pricing remains competitive for the market and the requested increase is in line with the Producer Price Index for the past twelve months. Therefore, staff does not believe there would be any cost benefit gained by rebidding the contract at this time.

Fiscal Note: Funding for these services is included in the Proposed Operation and Maintenance portion of the FY 2006 budget.

RECOMMENDATION

The City Commission authorize the General Manager or his designee to execute an amendment to extend the contract with Limerock Industries, Inc. for limerock for a one-year period and approve the issuance of purchase orders for FY 2006, not exceeding budgeted amounts and subject to the final appropriation of funds for FY 2006.

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

050408

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of September 12, 2005, as circulated.

050429

Resignation of Advisory Board/Committee Member Joel Houston (B)

RECOMMENDATION

The City Commission accept the resignation of Joel Houston from the Public Recreation Board effective immediately.

050429_200509261300.pdf

050430

Resignation of Advisory Board/Committee Member Joanne J. Orrick (B)

RECOMMENDATION

The City Commission accept the resignation of Joanne J. Orrick from the Public Recreation Board effective September 13, 2005.

050430_200509261300.pdf

050431

Resignation of Advisory Board/Committee Member Rachael Gibas (B)

RECOMMENDATION

The City Commission accept the resignation of Rachael Gibas from the Gainesville/Alachua County Cultural Affairs Board effective immediately.

050431_200509261300.pdf

050437**Special Meetings (NB)****RECOMMENDATION**

The City Commission schedule special meetings as follows:

**Long-Term Energy Supply Plan RFP - October 3 @ 6:00 pm - City Hall Auditorium*

**Joint City of Gainesville/City of Newberry Workshop - October 13, 2005 - GRU Multipurpose Room*

**City Commission Retreat - December 2 @ 9:00 am - Ironwood Golf Course*

**GRU Deerhaven Retrofit - January 5, 2006 @ 6:00 pm - City Hall Auditorium*

050438**Advisory Board/Committee Appointment of Robert Dilts to the Pension Review Committee. (NB)****RECOMMENDATION**

The City Commission appoint Robert Dilts to the Pension Review Committee for a term to expire July 2010.

Commissioner Braddy: Dilts

Commissioner Bryant: Dilts

Commissioner Chestnut: Re-Advertise

Commissioner Donovan: Dilts

Commissioner Lowe: Dilts

Commissioner Nielsen:

Mayor Hanrahan: Dilts

050439**Advisory Board/Committee Appointment of John A. Dickinson to the Tree Advisory Board (NB)****RECOMMENDATION**

The City Commission appoint John A. Dickinson to the Tree Advisory Board for a term to expire January 2, 2007.

Commissioner Braddy: Re-Advertise

Commissioner Bryant: Dickinson

Commissioner Chestnut: Re-Advertise

Commissioner Donovan: Dickinson

Commissioner Lowe: Dickinson

Commissioner Nielsen:
Mayor Hanrahan: Dickinson

050442**Advisory Board/Committee Appointment of Glenda Currie to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan (NB)****RECOMMENDATION**

The City Commission appoint Glenda Currie to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan for a term to expire September 26, 2007.

Commissioner Braddy: Re-Advertise

Commissioner Bryant: Currie

Commissioner Chestnut: Currie

Commissioner Donovan: Currie

Commissioner Lowe: Currie

Commissioner Nielsen:

Mayor Hanrahan: Currie

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC SAFETY COMMITTEE, CONSENT****050322****Alachua County School Board Safety Reflectors Program from State LECFTF (NB)**

Explanation: In honor of Kenya Wilson, a Gainesville High School student hit and killed by a car last year, the Alachua County Public Schools is working in conjunction with the North Central Florida Safety Council on a safety campaign aimed at raising awareness among students, parents and motorists about safety issues for children who walk or ride a bike to school. As part of the campaign, they will provide every student with a star-shaped reflector that hooks on a backpack, jacket, purse, or belt. Each reflector will come with a heavy duty card with a brief outline of what happened to Kenya, a list of sponsors and a list of safety tips for students and parents. Included in the program is a media campaign to raise awareness about pedestrian and bicycle safety to coincide with the distribution of the card and reflector. For five years the Gainesville Police Department has supported the Alachua County School Board in developing a Safe and Drug-Free Calendar to promote families and parental involvement in their children to keep them safe and drug-free. Unfortunately, that calendar has been discontinued, and this program will replace our previous funding activities for the calendar.

10/14/04	Regional Utilities Committee	Heard
11/18/04	Regional Utilities Committee	Approved, as shown above
1/6/05	Regional Utilities Committee	Recommended for Approval, as shown above
1/24/05	City Commission	Approved, as shown above (6 - 1)
3/3/05	Regional Utilities Committee	Discussed
9/8/05	Regional Utilities Committee	Approved, as shown above
	040240a_200501241300.pdf	
	040240b_200501241300.pdf	
	040240c_200501241300.pdf	
	040240d_200501241300.pdf	
	040240e_200501241300.pdf	
	040240f_200501241300.pdf	
	040240g_200501241300.pdf	
	040240h_200501241300.pdf	
	040240i_200501241300.pdf	
	040240j_200501241300.pdf	
	040240k_200501241300.pdf	
	040240l_200501241300.pdf	

050168**Rain Sensor Analysis, RUC Referral #050168 (B)**

Explanation: At the July 11, 2005 City Commission meeting the issue of the analysis of rain sensors as a potential water and energy conservation source was referred to the Regional Utilities Committee for review. On September 8, 2005 the Regional Utilities Committee received a presentation from staff regarding this referral.

Since 1991, Florida Statute 373.662 has required an owner of a new automatic sprinkler system to install, maintain, and operate a rain sensor device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

GRU promotes the use of rain sensors as a conservation measure through flyers and brochures (copies included in the agenda packet). Over the past three years, GRU has partnered with the University of Florida Institute of Food and Agriculture Sciences in conducting annual workshops with the local irrigation contracting community to promote conservation and efficient irrigation practices. As a result of these meetings, staff is working with the local irrigation contracting community to develop a brochure to promote the use of rain sensors as well as efficient irrigation practices. A copy of the draft brochure is included in the agenda packet.

Staff will continue to promote rain sensors as a conservation measure and work with local irrigation contractors to promote their use.

RECOMMENDATION

The City Commission remove item #050168 from the Regional Utilities Committee referral list.

Legislative History

7/11/05	City Commission	Referred (6 - 0 - 1 Absent)	Regional Utilities Committee
9/8/05	Regional Utilities Committee	Discussed	

050168_200509261300.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**041161****Acquisition and Stabilization of Two Houses Owned by Santa Fe Community College (NB)**

Explanation: For the past several months CRA staff has been working with Santa Fe Community College to bring some resolution to the difficult issue of the two houses owned by the College in the Pleasant Street area. The CRA authorized staff to explore a plan that would allow the CRA to acquire the two houses from SFCC for a cost of \$10 each; acquire parcel 14479 from the City; move the houses to parcel 14479 and rehab those houses for homeownership. Any funding gap would have been split between the CRA and SFCC with a cap of \$10,000 each for a total of \$20,000 per house. SFCC has agreed to provide \$10,000 for each house.

Staff has obtained estimates to move the houses and has been working on estimates for the rehab of the properties. At this point it appears that the gap will likely exceed the \$20,000 originally discussed. Staff is recommending that the CRA acquire the houses from SFCC and stabilize them; that the CRA ask the City to transfer parcel 14479 so that work can begin on the lot split. These actions will keep the project moving forward, stop the deterioration of the properties and will give staff time to develop a plan for the sale of the properties in a way that minimizes the potential gap.

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 CRA would agree to buy the two houses from SFCC for \$10 each and SFCC would provide the CRA with \$10,000 for each house to cover the costs associated with the move of the houses. The CRA would accept parcel 14439 from the City and prepare for a lot split.

RECOMMENDATION

The City Commission authorize the City Manager to negotiate and enter into an agreement with the CRA to transfer the title of parcel 14479 to the CRA.

Legislative History

4/11/05	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
4/18/05	Community Redevelopment Agency	Approved as Recommended (5 - 0 - 2 Absent)

9/19/05 Community Approved as Recommended (5 - 0 - 2 Absent)
 Redevelopment
 Agency
 041161_200504111300.pdf
 041161_20050919CRA.pdf

040992**Ranking for City Parking Lot # 10 Proposals (NB)**

Explanation: The CRA received four proposals in response to the Request for Proposals on City Parking Lot # 10. After reviewing the proposals and hearing presentations by the developers, the selection committee ranked the proposals as follows: 1) Gainesville Greens, a mixed use residential project by Equity Venture and SunVest; 2) a mixed use residential project by AMJ; 3) Gainesville Grand, a Hampton Inn hotel and residential project by Windsor Aughtry; and City Square, a mixed use residential project and hotel by Florida Main Street LLC.

The Gainesville Greens project ranked the highest by the selection committee and was chosen independently by the Downtown Redevelopment Advisory Board for a variety of reasons. At 134 units, the project offered the largest number of condominiums. The 12-story project also offers 14 units to be deed restricted for affordable housing, and will be a green building following LEEDS building methods for increased energy efficiency. The project has a central plaza that will serve the western end of the Downtown, addresses Southwest 2nd Avenue, and offers a small number of convenience parking spaces for its 43,430 square of retail. The incentive packet being requested is 60% of the increment generated by the project for 15 years, and fee waivers (\$4.1 million). Over those 15 years, the CRA will receive \$2.6 million in payments to the district. The developer will have \$7.8 million in equity with a total project cost of \$36.5 million. Once the CRA approves the ranking, the Executive Director will begin to negotiate the exact terms with the developer.

The 12-story mixed use residential project by AMJ was ranked second by the selection committee. This project offered 88 condominium units, 60,700 square feet of office and retail space. The developer requested 80% of the increment generated by the project over 15 years (\$5 million) with \$1.3 million returned to the district over the 15 years. The total project cost was \$44.6 million, with owner equity at \$6.5 million.

The Gainesville Grand project by Windsor Aughtry ranked third. This five story project offered 40 condominium units and 120 hotel rooms with a Hampton Inn banner. This project also offered 6,000 square foot of retail. The total project cost was \$15.6 million with \$3.2 in owner equity. The developer requested 80% of the increment (\$2.6 million) as an incentive for the project with \$657,676 coming to the district over the 15 years. Windsor Aughtry is a preferred Hilton developer and has built hotels in South Carolina, North Carolina, and Tennessee.

The fourth project was City Square. This project offered 89 condominium rooms, 120 hotel units, and 10,400 square foot of retail space. This project requested significant upfront incentives.

Fiscal Note: None at this time

RECOMMENDATION

The City Commission authorize the City Manager to negotiate with the top ranked proposer use of the parking garage by the project concurrently with the Development Agreement negotiations.

Legislative History

2/21/05	Community Redevelopment Agency	Withdrawn
9/19/05	Community Redevelopment Agency	Approved as Recommended (5 - 0 - 2 Absent)

040992_20050919CRApdf.pdf
040992a_20050919CRA.pdf

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA**CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****050426****City Commission Referral Status Report (B)****RECOMMENDATION**

The City Commission review the attached Referral Status Report and take appropriate action.

050426a_200509261300.pdf
050426b_200509261300.pdf
050426d_200509261300.pdf
050426e_200509261300.pdf
050426e_200509261300.pdf
050426f_200509261300.pdf
050426g_200509261300.pdf
050426c_200509261300.pdf

CITY MANAGER**050421****Findings of the Countywide Visioning and Planning Committee (B)**

Explanation: On January 28, 2003, the City of Gainesville along with Alachua County and the other incorporated cities in Alachua County entered into an Interlocal Agreement to provide for a Countywide Visioning and Planning Process. This Interlocal Agreement expired on June 30, 2005, and the Countywide Visioning and Planning Committee (CVPC) has submitted its findings to the participating municipalities.

In addition, the CVPC is recommending numerous follow-up activities, including continuation of the quarterly meetings of the CVPC. The Committee has requested the City to send a representative to attend the first quarterly meeting on Thursday, September 29, 2005.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) accept the findings of the Countywide Visioning and Planning Process; 2) designate a representative for the City to attend the September 29, 2005 meeting; and 3) discuss the Committee's recommended Action Strategies and take action, if appropriate.

050421a_200509261300.pdf
050421b_200509261300.pdf
050421c_200509261300.pdf
050421d_200509261300.pdf
050421e_200509261300.pdf

050422

Excess Workers Compensation Insurance Program Renewal (B)

Explanation: The City of Gainesville markets its insurance program on an annual basis through its broker, Arthur J. Gallagher & Co. The most recent renewal of the program produced a \$673,302 net decrease in premiums across all lines of coverage compared to current year costs. This translates to an overall premium reduction of 20%, as indicated in Exhibit A, Insurance Program Summary.

During this most recent renewal process, the City Commission directed staff to allow Public Risk Insurance Agency (PRIA) to submit a proposal for excess workers compensation insurance coverage, in addition to those programs marketed through Arthur J. Gallagher & Co. Currently the City utilizes a modified self-insurance program to protect itself against claims arising under the Florida Workers Compensation Statute. This program includes both a self-insured and insured layer. Under this program, the City purchases excess workers compensation insurance that pays claims that exceed the self-insured retention (SIR). During the policy year ended September 30, 2005, the SIRs were \$500,000 for police, fire and utility employees, and \$400,000 for all other employees.

As a result of this approach, the City received a quote, through Arthur J. Gallagher, from the Preferred Governmental Insurance Trust (PGIT), a product marketed by PRIA, in addition to quotes from two insurance carriers. These quotes are summarized in Exhibit B, Excess Workers Compensation Fiscal Year 2006 Renewal Options and Quotes. The lowest quoted premium, before considering SIRs, was a no aggregate product from Safety National. While this quote was lower (\$725,000 vs \$797,320) the lower SIR associated with the PGIT program (\$350,000 vs \$500,000) on the City's higher exposure employees (police, fire and utilities) results in a lower projected overall cost to the City, in that the premium savings (\$72,320) associated with the Safety National bid could be lost if a single claim exceeds the difference in the SIRs of the two programs.

For example in the PGIT program, the carrier begins to pay claims once the claim exceeds \$350,000. Under the Safety National quote, the City would continue to self-insure (pay claims) up to the \$500,000 SIR. The \$150,000 incremental cost associated with the highest SIR is more than twice the savings associated with the lowest premium quote. The City's loss history suggests that at least one claim during the policy period will exceed the \$350,000 SIR over the life of the claim. If the City were to set aside the savings associated with the reduced premium, at the City's estimated interest earnings rate, it would take almost 20 years for that premium difference to equal the additional cost if one claim exceeded the \$350,000 SIR up to the \$500,000 SIR associated with the lowest premium bid. Based on this analysis, the PGIT program will offer a

lower ultimate cost to the City by reducing the City's exposure to large claims.

Should the City purchase the workers compensation excess insurance through the PGIT program, the City will be required to become a member of the Trust by executing a participation agreement with the Trust. Staff recommends that the City agree to join the Trust so the purchase of the workers compensation excess coverage can occur. Copies of the Participation Agreement and Interlocal Agreement creating the Preferred Governmental Insurance Trust are included in the backup.

Fiscal Note: The funds of \$797,320 to purchase the workers compensation excess coverage have been included in the General Insurance Fund's budget for Fiscal Year 2006.

RECOMMENDATION

The City Commission: 1) approve the selection of the Preferred Governmental Insurance Trust as the provider of workers compensation excess coverage; 2) authorize the payment of the requisite premium of \$797,320; and 3) authorize the City Manager or designee to execute the Participation Agreement, and any other documents necessary to obtain the workers compensation excess coverage provided by the referred Governmental Insurance Trust, subject to approval by the City Attorney as to form and legality.

050422a_200509261300.pdf

050422b_200509261300.pdf

050422c_200509261300.pdf

050422d_200509261300.pdf

050422e_200509261300.pdf

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC SAFETY COMMITTEE

050115

Laws Related to Sexual Offenders/Predators (B)

Explanation: The Public Safety Committee discussed this June 13, 2005 City Commission referral to review the laws related to sexual offenders and predators. Local and national statistics on the recidivism of convicted sex offenders and the grave injury it causes indicate a need for swift action. Police Department and City

Attorney staff presented a proposed ordinance that would restrict the areas where convicted sexual offenders and predators could live within the City of Gainesville. The ordinance, based in part on a constitutionally upheld Iowa State model, proposes restricting residences within 2500 feet of any public school, private school, day care or city park. The ordinance would also restrict a landlord if the rental property is within that restricted zone from renting to offenders meeting certain criteria. Additionally, the ordinance would require the offender to sign the Florida Department of Law Enforcement "Offender Notice of Responsibilities" form, acknowledging receipt and understanding of the responsibilities of a sexual offender or sexual predator.

The Gainesville Police Department supports this initiative as an enhanced tool in better tracking of sexual offenders, by limiting their options and discouraging them from frequently moving. There are currently 207 registered Sexual Offenders and/or Predators living within the City.

Numerous municipalities in the State of Florida have already enacted similar restrictions. The Public Safety Committee believes that the proposed ordinance will establish a policy that provides for the best possible protection of the lives and safety of Gainesville residents, and especially children.

RECOMMENDATION

The City Commission 1) accept the Public Safety Committee's report, 2) hear a presentation from staff on the proposed Sexual Offender and Sexual Predator ordinance, 3) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance in substantially the same form as included in the back up, and 4) remove this item from the Public Safety Committee's pending referral list.

Legislative History

6/13/05	City Commission	Referred (7 - 0)	Public Safety Committee
7/21/05	Public Safety Committee	Discussed	
8/18/05	Public Safety Committee	Discussed	

- Sexual OffenderBuffer Map1500 2000 2500 Schools no Parks.pdf
- Sexual OffenderBufferMap 1500 2000 2500 Schools wParks.pdf
- Sexual Offenders and Sexual Predators Ord Ver2.doc
- Sex Offender Ordinance Highlights (2).doc
- 050115a_200509261300.pdf
- 050115b_200509261300.pdf
- 050115c_200509261300.pdf

050228

Security Cameras in Public Places (B)

Explanation: The Public Safety Committee discussed this July 25, 2005 referral and request from the Gainesville Police Department to rescind Section 21-10 of the Code of Ordinances, "Use of television surveillance equipment in investigation and detection of crime". The police department has received several requests from other city departments to monitor criminal activity in parks and other public

areas known for crimes of violence and/or lewd behavior. This section of the ordinance, however, prohibits police use of video surveillance not only in public places, but also in common areas of private property, even at the request of the private property owner. While the ordinance places enormous restrictions on the police, video cameras are currently being used and monitored by other departments and governmental entities at several intersections, in the new downtown parking garage, in the new courthouse facility, and by the University of Florida in its parking and garage areas. Staff believes that this ordinance, enacted in 1960, likely referred to a specific piece of equipment for a specific purpose at that time and is not relevant to, nor functional in present-day situations.

The Public Safety Committee supports staff's recommendation to rescind Section 21-10, however, recognizes that this issue may raise concerns from some citizenry as it regards privacy rights and protections. The Committee attempts to address those concerns in the back up.

RECOMMENDATION *The City Commission accept the Public Safety Committee's recommendation, authorize the City Attorney to draft and the Clerk of the Commission to advertise the rescission of ordinance Section 21-10, and remove this item from the committee's pending referral list.*

Legislative History

7/25/05	City Commission	Referred (5 - 0 - 2 Absent)	Public Safety Committee
8/18/05	Public Safety Committee	Discussed	

- 050228_200508180900.pdf
- Camera Use Bullet Points CAO.doc
- Camera Use Highlights GPD.doc
- Cameras in Public Places Section 21-10 Ordinance.doc
- 050228_200509261300.pdf

RECREATIONAL & CULTURAL AFFAIRS COMMITTEE

041098

City Co-Sponsorship and Expense Allocation for Public Events (B)

Explanation: This is a joint referral to the Recreation and Cultural Affairs (RCA) and Public Safety Committees to discuss the issue of City Co-sponsorship and expense allocation for public events.

This referral was discussed at a joint meeting of the RCA and Public Safety Committees on July 7, 2005 and again at the September 1, 2005 RCA Committee meeting. It was stipulated that an update of the program be made to the City Commission.

RECOMMENDATION *The Commission hear a presentation from staff.*

Legislative History

3/14/05	City Commission	Referred (6 - 0 - 1 Absent)	Recreation and Cultural Affairs Committee
6/16/05	Recreation and Cultural Affairs Committee	Discussed	
7/7/05	Recreation and Cultural Affairs Committee	Discussed	
8/4/05	Recreation and Cultural Affairs Committee	Deferred	
9/1/05	Recreation and Cultural Affairs Committee	Discussed	

041098a_200509261300.pdf

041098b_200509261300.pdf

041098c_200509261300.pdf

041098d_200509261300.pdf

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

CITIZEN COMMENT

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Gainesville Job Corps Center

PROCLAMATIONS/SPECIAL RECOGNITIONS

050423

Florida Recreation and Parks Association 2005 Excellence in Youth Sports Award (B)

Explanation: At this year's Florida Recreation and Parks Associations annual conference awards banquet, the City of Gainesville's Recreation and Parks Athletics Division was recognized for its Excellence in Youth Sports. This is a very prestigious award and this is the first time the City of Gainesville has been recognized for its Youth Sports Programming achievements.

Fiscal Note: None

RECOMMENDATION

The City Commission recognize the accomplishments of the Recreation and Parks Athletics Staff in winning this important award.

050423_200509261300.pdf

050432**Race Equality Week - September 26-30, 2005 (B)****RECOMMENDATION**

City of Gainesville Equal Opportunity Director Jimmie Williams to accept the proclamation.

050432_200509261300.pdf

050436**Distribution Education Clubs of America "Delta Epsilon Chi" Week - October 9-16, 2005 (B)****RECOMMENDATION**

Buchholz High School National Student Marketing Association Officers Danielle Good, John Wilson, Victoria Lauramoore, and Alicia Corona to accept the proclamation.

050436_200509261300.pdf

050443**Gay and Lesbian Pride Days - October 7-16, 2005 (B)****RECOMMENDATION**

Pride Celebration of Gainesville Co-Presidents Jeannie Keene and Timothy Stokes to accept the proclamation.

050443_200509261300.pdf

050443_200510101300.pdf

PUBLIC HEARINGS

NOTE: THESE RESOLUTIONS TO BE HEARD AS CLOSE TO 6:00 PM AS POSSIBLE.

050433**FINAL MILLAGE RATE RESOLUTION (B)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2005-2006 FISCAL YEAR; ADOPTING THE FINAL MILLAGE RATE; DIRECTING THE TRANSMITTAL OF CERTIFIED COPIES; AUTHORIZING A SPECIFIED ADJUSTMENT TO THE FINAL MILLAGE RATE; AND PROVIDING AN IMMEDIATE EFFECTIVE

DATE.

RECOMMENDATION

The City Commission adopt the proposed resolution.

050433_200509261300.pdf

050434

GENERAL GOVERNMENT BUDGET (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006; ADOPTING THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

RECOMMENDATION

The City Commission adopt the proposed resolution.

050434a_200509261300.pdf

050434b_200509261300.pdf

050435

GAINESVILLE REGIONAL UTILITIES BUDGET (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006; PROJECTING REVENUES AND ADOPTING A BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

RECOMMENDATION

The City Commission adopt the proposed resolution

050435_200509261300.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

050374

APPENDIX A - UTILITIES - WATER RATES (B)

Ordinance No. 0-05-84

An Ordinance amending Appendix A, Section UTILITIES (3) Water, Gainesville Code of Ordinances; By Increasing Water Base Rates, Customer Charges and Water Connection Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an

Effective Date in Accordance with the Schedule Provided Herein.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase water base rates and water connection charges. The change in connection charges varies by meter size with an overall increase in water connection charge revenue at the same rate presented to the City Commission in the 2003 budget. Both changes will be effective October 1, 2005. Even with these changes, GRU's monthly rates and connection charges remain among the lowest in the state.

At the August 15, 2005 City Commission meeting, the City Commission directed that the costs for public fire support in the form of fire hydrants that are installed, maintained and supported by the City, be incorporated into the water rates. This ordinance distributes the costs amongst all gallons of water consumed by all retail customers. GRU will then no longer bill Alachua County for fire hydrants in the unincorporated areas.

The proposed ordinance No. 0-05-84 amending Appendix A, Section Utilities (3) Water of the Gainesville Code of Ordinances has been amended for the second reading. Section (1)(k) corrects an error in the calculation of the Monthly Charges for water connection installment payments.

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

Legislative History

9/12/05 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

050374_200509121300.pdf

050374_200509261300.pdf

050326**APPENDIX A - UTILITIES - WASTEWATER RATES (B)****Ordinance No. 0-05-85**

An Ordinance amending Appendix A, Section UTILITIES (4) Sewerage, Gainesville Code of Ordinances; By Increasing Wastewater Base Rates, Customer Charges and Wastewater Connection Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase wastewater base rates wastewater connection charges. The change in connection charges varies by meter size with an overall increase in wastewater connection charge revenue at the same rate presented to the City Commission in the 2003 budget. Both changes will be effective October 1, 2005. Even with these changes, GRU's monthly rates and connection charges remain among the lowest in the state.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/12/05 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

050326_200509121300.pdf

050326_200509261300.pdf

050327

APPENDIX A - UTILITIES - ELECTRIC RATES (B)

Ordinance No. 0-05-86

An Ordinance amending Appendix A, Section UTILITIES (1) Electricity, Gainesville Code of Ordinances; By Increasing Electric Base Rates and Customer Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase electric base rates. The customer charge will increase by 5% for all customer classes. In the residential class, the second tier (above 750 kWh per month) energy charge will increase from 5.6¢ to 6.0¢ per kWh. In the General Service Non-Demand class, the second tier (above 1500 kWh per month) energy charge will increase from 5.8¢ to 6.1¢ per kWh. The first tier for these two classes, Residential and General Service Non-Demand, will remain unchanged. The demand charge will increase for the General Service Demand and Large Power customers by \$0.58 per kW and \$.60 per kW, respectively. The energy charge for these two classes will remain unchanged. These changes will be effective October 1, 2005. Even with these changes, GRU's monthly rates remain below median in the state.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/12/05 City Commission Adopted on First Reading (Ordinance) (5 - 1 - 1 Absent)

050327_200509121300.pdf

050327_200509261300.pdf

050328

CHAPTER 27 - UTILITIES - NATURAL GAS SURCHARGE (B)

Ordinance No. 0-05-87

An Ordinance Creating Section 27-272.1 of Chapter 27, UTILITIES Article VI. Natural Gas, Gainesville Code Of Ordinances; By Establishing A Surcharge to Base Rates to Customers Outside the Corporate Limits of the City of Gainesville Equal To The Amount Of The City Utility Tax Charged to Consumers Inside The City Limits; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.

Explanation: At the August 15, 2005 City Commission meeting, the City Commission directed that a 10% surcharge be levied on all natural gas sales outside of the city limits of Gainesville. This surcharge will become effective October 1, 2005.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/12/05 City Commission Adopted on First Reading (Ordinance) (5 - 1 - 1 Absent)
050328_200509121300.pdf
050328_200509261300.pdf

050120**APPENDIX A OF THE CODE OF ORDINANCES - INCREASE OF FEES
(B)****Ordinance No. 0-05-88**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Code of Ordinances, relating to fees; removing fees to Appendix A from section 6-187, certificates for journeymen; section 14.5-63, application for license; application fee, consent by applicant (adult performance and escort services); section 14.5-67, annual license fee for adult performance; section 14.5-69, name change for an adult performance or escort service business; section 14.5-93, application fee and application for escort license fee; section 14.5-96, annual license fee; section 23-105, registration required for communications facilities or other wire line occupants of public rights-of-way; section 27-80, franchise fees; and section 28-5, duration of franchise, annual reports, fees; amending Appendix A to include fees stated in the above-referenced sections of Code and to increase fees in Appendix A by approximately 5% (rounded to the next quarter) except fees related to the category of utilities, home occupational permit, and fire rescue and the subcategories of special building inspection and trespass towing fees; amending section 23-105, repealing obsolete sections of Code relating to fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission, at its meeting of June 27, 2005, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to remove embedded fees from the text of the Code of Ordinances and place all fees in Appendix A. This change will increase efficiency for the City staff and citizens when ascertaining City fees.

Additionally at the July 13, 2005 and August 15, 2005 budget workshops, the City Commission approved a fee increase of 5.0%. The intent of the proposed fee increase is to adjust fees that have not been increased since fiscal year 2004 in order to reflect the increased costs of providing the associated services. Fees that are not subject to this increase include those that were established or updated in fiscal year 2005, including building special inspections, fire rescue, home occupation permits, and trespass towing. Utilities-related fees are not amended in this ordinance. With the approval of the City Manager, and for ease in administering the collection of fees in the field, staff rounded all fee increases to the next quarter value.

This ordinance requires two readings. If approved on first reading the second and final reading will be September 26, 2005.

RECOMMENDATION*The City Commission adopt the proposed ordinance.***Legislative History**

6/27/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)
 9/12/05 City Commission Adopted on First Reading (Ordinance) (4 - 2 - 1 Absent)

050120a_200509121300.pdf
 050120b_200509121300.pdf
 050120c_200509121300.pdf
 050120a_200509261300.pdf
 050120b_200509261300.pdf
 050120c_200509261300.pdf
 050120d_200509261300.pdf

050314**NON-AD VALOREM ASSESSMENT FOR SOLID WASTE MANAGEMENT (B)****Ordinance No. 0-05-83**

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in a non-ad valorem assessment for a municipal service benefit unit created by Alachua County for the provision of solid waste management costs; providing conditions for the consent; providing that the consent is for a one year period; and providing an effective date.

Explanation: Passage of an ordinance is necessary to provide consent for all land within the City of Gainesville to be included in a portion of the non-ad valorem assessment for a municipal service benefit unit created by Alachua County. This assessment covers the cost of the Waste Alternatives and Environmental Protection programs and approximately 25% of the Rural Collection Center program. On December 14, 2004, the Alachua County Board of County Commissioners adopted Resolution 04-134, its notice of intent to utilize the uniform method of collecting non-ad valorem assessments for the 2005-2006 fiscal year, including collection of non-ad valorem assessments for solid waste management in the entire county. The proposed ordinance is presented to continue this assessment in the City for the next year. If approved on first reading, the second and final reading will be September 26, 2005. The effective date of this ordinance is October 1, 2005.

RECOMMENDATION*The City Commission adopt the proposed ordinance.***Legislative History**

8/22/05 City Commission Approved as Recommended (5 - 0 - 2 Absent)
 9/12/05 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

050314_200509121300.pdf
 050314a_200509261300.pdf
 050314b_200509261300.pdf

050075**STREET VACATION - PORTION OF S.E. 12TH STREET (B)****Ordinance No. 0-05-80, Petition No. 168SVA-04PB**

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way located in the vicinity of Southeast 12th Street between Southeast 2nd Avenue and Southeast 4th Avenue, as more specifically described in this ordinance; reserving a public utilities easement; 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 July 25, 2005, authorized the City Attorney's Office to draft the proposed ordinance for the vacation of right-of-way.

PLANNING STAFF REPORT

This is a request by the Public Works Department to vacate right-of-way for the purpose of installing stormwater facilities. The request is to vacate a portion of right-of-way east of Southeast 11th Street (also known as Williston Road and/or Waldo Road) on the south side of the intersection of Southeast 2nd Avenue and Southeast 12th Street. The right-of-way to be vacated is undeveloped, but would have served as the continuation of Southeast 12th Street to the south. Upon vacation of the right-of-way, the City would retain use of the area for stormwater mediation, following street resurfacing planned for the area. The remaining vacated right-of-way will not be used, but a utility easement would be retained over the entire site. The right-of-way is a "paper street," that consists of several trees and other vegetation. It provides no public access and would best be used for stormwater mediation.

The Plan Board heard this petition and recommended that it be approved with the staff condition that an easement be retained over the vacated area.

Public notice was published in the Gainesville Sun on May 31, 2005. Letters were mailed to surrounding property owners on June 1, 2005. The Plan Board held a public hearing June 16, 2005.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

7/25/05	City Commission	Approved (Petition) with Staff and Plan Board Conditions (6 - 0 - 1 Absent)
9/12/05	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

050075_200507251300.pdf

050075_200509121300.pdf

050075_200509261300.pdf

050297**URBAN SERVICES REPORT - BEVILLE-KING PARCELS (B)****Ordinance No. 0-05-82**

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06706-001-000 through 06706-018-000, 06706-031-000 through 06706-034-000, 06714-000-000, and a portion of 06715-000-000, located generally south of the city limits, west of SW 34th Street and the city limits, north of the vicinity of SW 20th Avenue and east of Tax Parcel 06724-000-000; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

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

The report must generally include the following information:

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

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

3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:

a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.

b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.

c) if extensions of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

d) set forth the method under which the City plans to finance extension of services into the area to be annexed.

If adopted on first reading, this ordinance shall be heard on second reading on September 26, 2005. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

8/22/05	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
9/12/05	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

050297a_200508221300.pdf
 050297b_200508221300.pdf
 050297a_200509121300.pdf
 050297b_200509121300.pdf
 050297c_200509121300.pdf
 050297a_200509261300.pdf
 050297b_200509261300.pdf
 050297c_200509261300.pdf

RESOLUTIONS- ROLL CALL REQUIRED

031309

(Quasi-Judicial) Final Plat approval of Forest Creek Cluster Subdivision, for 28 lots on 11.26 acres more or less, having a density of 2.4 dwelling units per acre. Located at 3309 and 3425 Northwest 17th Street. Zoned: RSF-1 (single family residential, 3.5 du/acre). Petition 139SUB-03DB (B)

Explanation: The City Commission approved the design plat for the Forest Creek Cluster Subdivision on May 24, 2004, with certain conditions, as amended, including a total of 11.26 acres, more or less. On March 14, 2005, the City Commission approved an extension of up to six months from the expiration date of May 24, 2005.

At the design plat hearing, the City Commission approved the petition with staff's and petitioner's conditions. The proposed final plat addresses the issues set forth in the design plat development order and its conditions. Major conditions in the development order at the time of design plat approval included: a conservation easement over all wetlands and creeks; restrictive covenants including prohibitions to protect the wetlands and other environmental features from dumping and other harmful acts; and removal of invasive plant species. The order also included language that the developer will investigate the implementation of green building programs and construction techniques on this development and will analyze other possibilities of this type and nature. The developer will present information to address that

issue.

Fiscal Note: None

RECOMMENDATION

The City Commission approve the following resolution: A Resolution approving the final plat of "Forest Creek Cluster Subdivision," located in the vicinity of the 3300 and 3400 Blocks of Northwest 17th Street, authorizing the City Manager or designee to execute a four-party agreement to secure the construction of improvements, providing directions to the Clerk of the Commission, and providing an effective date upon adoption by the City Commission.

Legislative History

5/24/04	City Commission	Adopted (Resolution) (4 - 2 - 1 Absent)
3/14/05	City Commission	Approved as Recommended (4 - 0 - 3 Absent)

031309_200503141300.pdf
 031309a_200509261300.pdf
 031309b_200509261300.pdf
 031309c_200509261300.pdf
 031309d_200509261300.pdf
 031309e_200509261300.pdf

050424

Tri-State Hazardous Materials Response Mutual Aid Resolution and Agreement (B)

Explanation: The North Central Florida Local Emergency Planning Committee (LEPC) has been involved with the establishment of a Tri-State Hazardous Materials Response Mutual Aid Agreement to provide mutual aid where needed and to allow the nearest hazardous materials team to respond, regardless of state boundaries. This agreement was designed for large-magnitude disasters that last several days or longer.

The work group consisted of LEPC (Districts 2 and 3), the Florida Division of Emergency Management (FDEM), the Florida Department of Environmental Protection (FDEP), and a number of emergency management agencies and fire departments from Florida, Georgia, and Alabama. The three states are already a participant in the Emergency Management Assistance Compact (EMAC), but an Executive Order from the Governor is required before state-controlled resources may be deployed across state lines.

Fiscal Note: The Agreement will provide a mechanism for resource support and facilitate cost recovery from the requestor to the assisting party. The TRI-State Agreement is a no cost agreement to the City. If staff is contacted to assist other jurisdictions, this agreement provides for full cost recovery, including salaries.

RECOMMENDATION

The City Commission: 1) the Mayor and Clerk of the Commission to sign the Resolution that allows the City Manager to sign the Tri-State Hazardous Materials

Response and Mutual Aid Agreement; and 2) authorize the City Manager to execute the agreement. Both the resolution and agreement will be subject to approval by the City Attorney as to form and legality.

050424_200509261300.pdf

050425

Resolution Increasing Rates for Spaces and Services for Evergreen Cemetery (B)

Explanation: As part of the budget process, on July 13, 2005 and August 15, 2005, the City Commission authorized increasing certain user fees by 5%, with the new amounts to be effective October 1, 2005. Section 7-9 of the Code of Ordinances provides that the rates for spaces and services at Evergreen Cemetery will be adopted by resolution of the City Commission.

Fiscal Note: The proposed resolution is drafted to meet the City's 2005-2006 budget goals.

RECOMMENDATION

The City Commission adopt the proposed resolution.

050425_200509261300.pdf

050441

ADOPTION OF SISTER CITY (B)

RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA, ADOPTING THE CITY OF _____, MISSISSIPPI, AS A SISTER CITY UNDER THE LOCAL GOVERNMENT DISASTER RELIEF ASSISTANCE PROGRAM; MAKING FINDINGS; AUTHORIZING THE PROPER CITY OFFICIALS TO IMPLEMENT THE PROGRAM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: Governor Bush has requested the Florida League of Cities to work with the Mississippi Municipal League to create an "Adopt-A-City" – type program. With this in mind, the City Commission, at its last meeting of Monday, September 12th, embraced the concept of the City of Gainesville adopting a Sister City in Mississippi.

T.E.A.M. requests that the City Commission allow the City of Gainesville to adopt a city in Mississippi as its Sister City by resolution. As of the printing of the agenda, T.E.A.M. is still in the process of selecting the appropriate City.

Through the adoption of the Resolution and entering into an Interlocal Agreement, the City of Gainesville will be able to provide surplus goods, supplies and materials, as well as personnel, to the selected City in order to help that City to resume normal operations. This Program and Agreement does not supercede existing or future mutual aid agreements, but is supplemental to all other interlocal agreements. The offer of support is purely optional and non-obligatory to any department of the City, and will fall within existing budgetary limitations.

RECOMMENDATION*The City Commission adopt the proposed resolution.*

050441_200509261300.pdf

050446**Resolution Adopting the National Incident Management System (NIMS) for Citywide Use (B)****Background**

The Federal Emergency Management Agency's NIMS Integration Center acknowledges that "The initial response to most domestic incidents is typically handled by local "911" dispatch centers, emergency responders within a single jurisdiction, and direct supporters of emergency responders. Most responses need go no further. In other instances, incidents that begin with a single response discipline within a single jurisdiction may rapidly expand to multidiscipline, multijurisdictional incidents requiring significant additional resources and operational support. Whether for incidents in which additional resources are required or are provided from different organizations within a single jurisdiction or outside the jurisdiction, or for complex incidents with national-level implications (such as an emerging infectious disease or a bioterror attack), the ICS provides a flexible core mechanism for coordinated and collaborative incident management. When a single incident covers a large geographical area, multiple local ICS organizations may be required. Effective cross-jurisdictional coordination using processes and systems described in the NIMS is absolutely critical in this instance."

For this reason the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer NIMS to provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

Effective with FY 06, federal preparedness funding grants require that a local government have adopted NIMS.

Fiscal Note: There is no fiscal impact from this action.

RECOMMENDATION*The City Commission adopt the Resolution.*

050446_200509261300.pdf

PLAN BOARD PETITIONS**050158**

Amend Sec. 30-159 amending the criteria for level of review and creating a level of review for minor plans that will be subject to the consent agenda process of the development review board; amending Sec. 30-350 to

restructure the neighborhood meeting requirements, eliminate the requirement for an advertisement in a newspaper of general circulation and add an architectural/design consultant procedure for development located in community redevelopment districts and Special Area Plan districts; amending Sec. 30-351(d) notice of development plan review to provide notice for certain minor plans; amending Sec. 30-23 providing a definition for developed industrial area; and, amending Sec. 30-352(b) to revise the background and expertise requirements of the persons who may serve as development review board members. Petition 107TCH-05PB (B)

Explanation: The Economic Development/University Community Committee (EDUCC) recommended that the development review process be restructured. The Committee recommended that thresholds be raised, so that projects of considerably larger size could be reviewed and approved administratively by staff. Only projects of 20 houses or more, 50 multi-family dwelling units or more, 10,000 square feet or more of commercial development or five acres or more of industrial area would go to the Development Review Board for discussion and hearings. The Community Development Committee also considered the proposed changes and recommended smaller adjustments to the thresholds.

The City Commission initiated the petition, and the Plan Board heard the petition and took citizen comment. The Board recommended favorably on all the proposed changes, except recommending that the present process for neighborhood meetings only be changed to incorporate the meeting as proposed at the Florida Community Design Center for projects in the redevelopment and special districts, and otherwise retain the neighborhood meetings as currently required.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission -The City Commission approve Petition 107TCH-05 PB, recommending that the language in Section 30-350(b)(2) regarding neighborhood workshops remain as currently written, and adding language for neighborhood workshops in community redevelopment districts and special area plans. Plan Board vote 4-1.

Staff to Plan Board -This petition implements the recommendations of the Economic Development/University Community Committee (EDUCC) to the City Commission and the subsequent direction of the City Commission and recommends a rule change to the Development Review Board to create a consent agenda procedure.

050158a_200509261300.pdf
 050158b_200509261300.pdf
 050158c_200509261300.pdf
 050158d_200509261300.pdf
 050158e_200509261300.pdf
 050158f_200509261300.pdf

050159

Amend Sec. 30-338 and Sec. 30-188 to eliminate requirements to provide sidewalks on lands designated Industrial on the City's Future Land Use Map or zoned I-1 (limited industrial) district or I-2 (general industrial) district as a requirement for development plan approval and for subdivision improvements. Petition 108TCH-05PB. (B)

Explanation: Based on the City's experience with the Airport Industrial Park and the existing condition of so many properties in the industrial parks with no sidewalks, City staff finds that the burden of providing sidewalks discourages development of the City's industrial parks, and for that reason, the requirement to provide sidewalks in industrial districts should be eliminated.

The City has industrial land use generally in concentrated areas, the Hugh-Edwards Industrial Park on Waldo Road, the Airport Industrial Park in the vicinity of Northeast 53rd Avenue and Waldo Road, South Main Street, the Cabot Carbon site, generally located between Northwest 16th Avenue, Northwest 39th Avenue, the T.J. Hawes Trust on North Main Street north of 39th Avenue and the Northwest Industrial Park(s) and industrial areas in the vicinity of SR 121 and US 441, and Northwest 6th Street Business Park. Most of these industrial parks have been significantly built out, without sidewalks at many properties. The City is attempting to encourage new industry. The potential sidewalks are perceived as having a high cost by most small industries, and the little amount of sidewalks that are added now would remain isolated for many years.

The proposed amendment language clarifies that, while the City does intend to have pedestrian activity throughout the City, the exception to that general intention would be those areas with industrial land use.

The Plan Board heard the petition and staff report. The City's Economic Development Department works to promote development within the Airport Industrial Park and other industrial districts, and the sidewalk expense is viewed by some businesses as a disincentive. The Board accepted staff's recommendation with the exception that sidewalks should be installed along arterial roadways and major collectors.

Public notice was published in the Gainesville Sun on July 5, 2005 and August 26, 2005. The Plan Board held a public hearing July 21, 2005.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission -The City Commission approve the petition and request that staff provide language that would eliminate the requirement for sidewalks in industrial districts except on arterials and major collector roads. Plan Board vote 5-0.

Staff to Plan Board -The City eliminate the requirement for sidewalks in industrial areas.

050159a_200509261300.pdf

050159b_200509261300.pdf

050255

Amend the Cluster Subdivision section of the City of Gainesville Land Development Code to establish criteria for classifying cluster subdivisions as either environmental or infill, establishing minimum lot sizes, clarifying the cluster open space requirement and modifying the criteria for the review of cluster subdivisions. Petition 121TCH-05 PB (B)

Explanation: This petition is proposed in order to update the cluster subdivision ordinance and ensure that cluster subdivisions result in better site planning than would normally occur through conventional subdivision procedures. Staff's review found that the current cluster subdivision process was adopted long before many of the regulations the City has in place today to protect environmental features, such as wetlands and creeks. Since all developments are required to protect environmental resources, such as creeks and wetlands, the cluster subdivision ordinance is being updated so that the cluster open space being provided is above and beyond those already-protected environmental features.

Staff has amended the cluster subdivision provisions to establish minimum lot sizes (no minimum existed previously), to increase compatibility with existing surrounding neighborhoods. The amended chapter also requires cluster open space to be more than already protected environmental areas, and classifies cluster subdivisions as either environmental or infill, so that the objectives of any given cluster subdivision are clearer. The Plan Board reviewed the petition and recommended several changes. The Community Development Committee also provided input and direction.

Public notice was published in the Gainesville Sun on August 2, 2005. The Plan Board held a public hearing August 18, 2005.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 121TCH-05 PB. Plan Board vote 5-0

Staff to Plan Board - Approve

050255a_200509261300.pdf

050255b_200509261300.pdf

050255c_200509261300.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT

ADJOURNMENT - 11:02 PM