

City of Gainesville

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



Meeting Agenda

October 23, 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

060468.

Bid Award - GPD Administrative Office Construction at 413 NW 8th Avenue (B)

This item involves a request for the City Commission to authorize the bid award to BBI Construction Management, for the construction of GPD's Administrative Offices at 413 NW 8th Avenue in the amount of \$1,390,278.00.

Explanation: On August 10th, 2006 the City's Purchasing Division solicited bids for the construction of GPD's Administrative Offices at 413 NW 8th Avenue, the Old Walker Furniture building, six (6) firms responded with bids. BBI Construction Management, Inc. was the lowest responsive bidder in the amount of \$1,341,278.00 for the renovations and an additional cost of \$49,000.00 for the first add alternate with local preference. BBI Construction Management, Inc. is also the lowest responsive bidder for the base bid. Total cost for this project will be \$1,390,278.00.

Fiscal Note: The funding for this purchase is available in 332-810-M650-5210-6020. The contract amount for this project is \$1,390,278.00. Prior to sending the project out for bid, both the City's Facility Manager and the Project Architect estimated the cost of this project at between \$1.2 and \$1.5 million.

RECOMMENDATION

Recommended Motion: The City Commission I)

authorize the bid award to BBI Construction Management, Inc. for the construction of GPD's Administrative Offices at 413 NW 8th Avenue; and 2) authorize the City Manager to execute the contract subject to the approval by the City Attorney as to form and legality, and issue a purchase order not to exceed \$1,390,278.00.

Alternative Recommendation: The City Commission deny the request for the bid award to BBI Construction Management, Inc.

060468_200610231300.pdf

060538.

Florida Department of Transportation DUI Enforcement Specialist Grant Award (NB)

This item requests City Commission approval to accept the third year grant award for the DUI Enforcement Specialist and authorize the matching funds from the Federal Law Enforcement Contraband Forfeiture Trust Fund.

Explanation: On September 11, 2006, the City of Gainesville received notification from the Florida Department of Transportation that it would be receiving \$32,080 in grant funds towards the continuation of the Gainesville Police Department DUI (Driving Under the Influence) Enforcement Specialist Grant. The grant award was the result of a Concept Paper submitted by the Gainesville Police Department on March 31, 2006. This grant will fund the third year of the program, which created an additional sworn officer position within the GPD Traffic Safety Team. The DUI Enforcement Specialist's sole duty is the enforcement of DUI-related offenses.

Fiscal Note: This is the third year of the grant and the total project cost is \$64,160. The grant award amount of \$32,080 reflects 50% of the overall project total. The third year award requires local matching funds of \$32,080. Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$658,776. Following the completion of the third year the Florida Department of Transportation will expect the City of Gainesville to continue the DUI Enforcement Specialist position for one year.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to 1) accept the award of \$32,080 in grant funds from the Florida Department of Transportation, 2) appropriate \$32,080 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.

Alternative Recommendation A: The City Commission decline the Florida Department of Transportation DUI Enforcement Specialist Grant Award in the amount of \$32,080.

Alternative Recommendation B: None.

060570.

Authorization to Offer Due On Sale Loans to Address Lead Paint Hazards to Homeowner and Rental Rehabilitation Program Participants (NB)

This item proposes to offer separate awards to participants in the City's Homeowner and Rental Rehabilitation Programs to address lead paint hazards.

Explanation: The U.S. Department of Housing and Urban Development (HUD) requires all grantees that receive CDBG or HOME funds to comply with the requirements of the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act and implementing regulations promulgated by HUD. These laws and regulations apply specifically to the acquisition and rehabilitation of housing using CDBG or HOME funds.

The City's CDBG and HOME Annual Action Plan that is submitted to HUD each year states that the City will continue to implement measures to address lead-based paint hazards in CDBG- and HOME-assisted housing units. Through its homeowner and rental rehabilitation programs, the City is able to directly impact this problem by identifying and mitigating lead-based paint hazards and by providing appropriate notices to owners, tenants and purchasers of rehabilitated housing.

The costs of implementing these measures to address lead-based paint hazards are eligible under the CDBG and HOME Programs, and in the past they have been included as a component of the City's Homeowner Rehabilitation Program. However, during the last several years, construction costs have increased substantially, including the cost to mitigate lead paint hazards for housing projects. Due to these rising costs, it would become less feasible for the Housing Division to continue addressing the required lead paint hazards and keep projects within program funding limits without the proposed lead-based point award. These additional program funds will not affect the existing program limits, and will only be utilized for housing projects as needed on a case-by-case basis.

Fiscal Note: Funds are budgeted in the Housing Division's CDBG and HOME Program budgets to cover the cost of the lead paint hazard mitigation required by HUD.

RECOMMENDATION

The City Commission: 1) approve a due on sale loan of up to \$5,000.00 for eligible homeowners and investors who participate in the City's homeowner and rental rehabilitation programs to mitigate lead paint hazards; and 2) authorize the use of the Housing Division's

standard mortgage and promissory note documents to secure the loan award.

Alternative Recommendation A: The City Commission could choose to not approve the recommendation and continue to fund the elimination of lead paint hazard from the existing homeowner and rental rehabilitation program funding limits.

Alternative Recommendation B: The City Commission could choose to approve a different award amount than is recommended.

060571. Wireless Service for the Gainesville Police Department's Laptops- Request for Purchase Order to T-Mobile of Jacksonville, Florida (NB)

This item requests the City Commission authorize the issuance of a Purchase Order for recurring high speed wireless service.

Explanation: T-Mobile provides high speed wireless data service for the Gainesville Police Department. This allows communication between the laptops in GPD's vehicles and the Records Management System. The service agreement approved by the City Commission on September 8, 2003 provides for recurring costs in the amount of \$31.35 per device for unlimited data. This purchase order will cover the period from October 1, 2006 through September 30, 2007. The City has a fixed rate plan, until such time as one party notifies the other of their intent to discontinue the service.

Fiscal Note: Funds for this expenditure are available from general funds, account number 001 810 8148 5210 4120.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute a Purchase Order to T-Mobile, Inc., Jacksonville, Florida, a specified source, in an amount not to exceed \$108,721.80 for recurring wireless service expenses.

Alternative Recommendation: The City Commission authorize an amount less than \$108,721.80 for wireless service, with the understanding that this will drastically limit the police department's ability to communicate with the Records Management System.

060572. Special Needs Housing Agreement with Arbor House Inc. (B)

This item proposes to award a \$9,000.00 Special Needs Housing Program due-on-sale loan to Arbor House Inc. to make exterior improvements to a

residential structure used to shelter very low and low-income homeless young women with children. The building is located at 2618 Northwest 6th Street.

Explanation: The Special Needs Housing Program was approved by the City Commission as a part of the Local Housing Assistance Plan and an Inter-Local Agreement with Alachua County. The State Housing Initiatives Partnership (SHIP) Steering Committee met on July 7, 2006 to review applications for Special Needs Housing Program assistance and to hear presentations from representatives of each applicant regarding their requests for funding. The SHIP Steering Committee also conducted a site visit of each applicant. The funds were advertised on a competitive basis, and there were a total of two applicants who applied for funding, Arbor House, Inc. and Peaceful Paths. The SHIP Steering Committee recommends approval of the funding requests from Peaceful Paths and Arbor House, Inc. In accordance with the inter-local agreement, Alachua County will fund Peaceful Paths in the amount of \$12,055, and the City will fund Arbor House, Inc. in the amount of \$9,000.

This Agreement provides for a maximum of \$9,000.00 of program funds to be used by Arbor House, Inc. during the period October 1, 2006 through June 30, 2007. These funds will be used to finance 50% of the cost to scrape, power wash and paint a historical two-story residence that is used as a homelessness shelter for young women with children. The due-on-sale loan will have a 15-year term requiring Arbor House, Inc. to continue assisting eligible very-low and low-income households during the compliance period.

Fiscal Note: SHIP Program funds are budgeted in Housing Division's account 119-790-X384-5540-8200 for this loan award.

RECOMMENDATION

The City Commission: 1) approve the loan award of \$9,000 to Arbor House Inc. for exterior improvements to the residential structure located at 2618 Northwest 6th Street; 2) authorize the City Manager, or his designee, to execute the Agreement between the City and Arbor House Inc., subject to approval by the City Attorney; and 3) authorize the City Manager, or his designee, to issue a purchase order in the amount of \$9,000 to Arbor House Inc. Prior to October 23, 2006 a copy of the Agreement will be on file in the Clerk of the Commission's office. After October 23, 2006, a copy of the Agreement will be on file in the Community Development Department.)

Alternative Recommendation A: The City Commission could choose to not approve the recommendation and require Arbor House Inc. to locate funding from another source to undertake this project.

060572_200610231300.pdf

060575.

Request to Purchase Bunker gear (NB)

This item involves a request for the City Commission to approve the issuance of a purchase order to Municipal Equipment Company for 27 sets of bunker gear at a cost not to exceed \$38,070.

Explanation: In 2005, the replacement of 17 sets of protective gear for Fire-Rescue personnel was postponed due to a reallocation of funds for an identified critical need. This delay caused the department to get behind on its gear replacement schedule. This purchase includes, in part, the Fire Department's annual replacement of protective gear, and an additional 10 sets of protective gear. The additional 10 sets that have been added to the purchase for FY07 will begin to get the department back on track with the established replacement cycle, and will increase the number of sets of reserve protective gear that the department is currently low on.

Fiscal Note: Funds for the purchase of replacement bunker gear have been budgeted under Operations Uniform account 001-820-8220-5220-3040.

RECOMMENDATION

The City Commission authorize the City Manager to execute the purchase order to Municipal Equipment Company for 27 sets of bunker gear at a cost of \$38,070.

Alternative Recommendation A: The City Commission not authorize the City Manager to execute the purchase order.

060577.

Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (B)

This item involves a request to authorize the Mayor to execute an Easement for public utilities, public ingress/egress and aesthetic improvements to property owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, which is know as SW 5th Avenue, just east of SW 13th Street

Explanation: The City of Gainesville Community Redevelopment Agency desires to obtain an Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the management, maintenance and improvement of the public rights-of-way and utilities on the triangular property on SW 5th Avenue at SW 13th Street. This triangular piece of property has been historically managed and maintained by the City as public right-of-way but title and liability of a portion of the property belong to the State.

Fiscal Note: Funding is available for the recording fees of approximately \$75 in the FY 2007 Public Works Operating Budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the Mayor to execute the Easement supplied by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, subject to approval

by the City Attorney as to form and legality; and 2) authorize the City Manager to record the Easement document in the Public Records of Alachua County.

Alternative Recommendation A: The City Commission deny the request but continue the maintenance and management of public right-of-way on property owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

060577a_200610231300.PDF

060577b_200610231300.PDF

060582.

Old Landfill at Sweetwater - Slope and Creek Stabilization (B)

This item involves a request for the City Commission to approve additional compensation for the project to Environmental Barrier Company, LLC (EBC). The changes in site condition required EBC to incur additional costs in order to accomplish repair work and complete the project in a satisfactory manner.

Explanation: The City retained the services of EBC as a completion contractor for this project in November 2005. This change order allows additional compensation for the completion contractor for repairing the initial contractors damage to the site and includes additional end treatment work needed due to the original contractor failure to the complete the contract.

Fiscal Note: The amount of the change order is \$499,621.40. This sum is subject to labor, material and equipment charges to the project that have been paid by the City which will be accounted for in the issuance of a revised purchase order for the contractor. Funding for the change order is available in the Solid Waste Enterprise Fund.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve \$1,336,000 as the contract cost for the completion contract, 2) authorize the City Manager to issue a revised purchase order to the completion contractor and 3) authorize all funding transfers in the Solid Waste Enterprise Fund necessary for the additional costs, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: There are no alternate recommendations or fiscal notes.

060582_200610231300.PDF

060583.

Thirteenth Amendment to the Contract for Professional Consulting Services for the East Gainesville Sprout Project (B)

This item involves a request for the City Commission to approve additional

services and compensation for consulting services for the East Gainesville Sprout Project in the amount of \$263,196.00.

Explanation: This amendment is for additional work by Environmental Consulting Technology, Inc. related to the "Depot Park" project for the Phase I - Remediation, site analyses, development plans and specifications and other services for Phase 2 remediation and construction. This amendment is necessary to adjust the budget for professional services to include work completed to date and allow for completion of a variety of tasks. The attached Cost Distribution Table between the City's Stormwater Services Division (COG) and Gainesville Regional Utility's Gas Department (GRU) presents the individual tasks, the budget adjustments, each funding source share and is accompanied by justification statements for each task.

Fiscal Note: The additional services are to split between GRU-Gas Utility and the COG-Stormwater Utility in the amounts of \$246,196 and \$17,000, respectively. Funding for the remediation is included in the Gas Acquisition Cleanup within the Capital Improvements Budget for FY2006. This is funded through the Cost Recovery Factor charged to all Gas System Customers. Funding for the Stormwater work is available from the State Revolving Fund loan obtained for the project.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the additional work described for the project; 2) authorize the City Manager to execute the Thirteenth Amendment to the contract for Professional Consulting Services for the East Gainesville Sprout Project, subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager to issue a modified purchase order in the amount not to exceed \$2,559,863.

060583_200610231300.PDF

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

060626.

Air Conditioning Unit for Computer Room (NB)

Staff recommends purchasing a redundant air conditioning unit for the computer room in the GRU Administration Building

Explanation: The hub for all of the Utility's business (billing, purchasing, accounting, inventory, e-mail, GIS, budgeting, etc.) computer and phone systems is currently housed in a secured area on the ground floor in the Administration Building. In addition, the Alachua County combined communications trunk and radio systems hardware is maintained in this room. The equipment generates a significant amount of heat which requires a constant supply of clean, humidity-controlled, conditioned air to prevent overheating, damage and shutdown of the equipment. The heat produced by the equipment is significant and, without conditioned air, could result in interruption to normal business operations.

The existing Liebert air conditioning unit at this location is over ten years old and requires scheduled preventative maintenance to continue as a critical hardware component. An additional identical Liebert unit is needed to eliminate a single point of failure, add redundancy and provide fault tolerant operation in support of the computer and communication systems in this room. Because the two units must be able to communicate with each other to provide redundancy, the backup system must also be a Liebert unit for interaction compatibility.

Liebert units are often used in unique cooling applications because of their compact size and powerful commercial quality. Liebert units are also in use at System Control and GRUCom's equipment building. Liebert equipment is only available through their exclusive distributor, Conditioned Air and Power, Inc. The cost includes installation and start up services for the equipment will be performed by the manufacturer's factory-trained, certified representative.

Fiscal Note: Funds are available in the FY 2007 Information Technology Capital budget.

RECOMMENDATION

The City Commission approve the issuance of a purchase order to Conditioned Air and Power, Inc., a specified source, for the provision, installation and start up of a Liebert air conditioning unit for the computer room in the GRU Administration Building in an amount not to exceed \$69,315.00.

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

060616. City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of October 2, 2006 (Special Meeting); and October 9, 2006 (Regular Meeting); as circulated.

060616_20061023.pdf
060616A_20061023.pdf

060625.

Joint City/County Commission Meeting (B)

RECOMMENDATION

The City and County Commission hold a joint meeting on October 30, 2006 at 6:00 PM to discuss: 1) The Florida National Guard Request and 2) Homelessness.

060625_200610231300.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC SAFETY COMMITTEE, CONSENT

030125 Public Safety Involvement in Site Plan and Land Review Process (NB)

Explanation: This item has been held in Committee since the original referral date of June 23, 2003 in the event there were updates or items requiring attention. Staff recommended to the Public Safety Committee that this item should be removed from the pending referral list as the Gainesville Police Department's involvement in the process continues to be beneficial and positive.

RECOMMENDATION *The City Commission approve the Public Safety Committee's recommendation to remove this item from the pending referral list.*

Legislative History

6/23/03	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
1/20/04	Public Safety Committee	Discussed	
2/19/04	Public Safety Committee	Discussed	
3/18/04	Public Safety Committee	Discussed	
7/13/04	Public Safety Committee	Discussed	
8/9/04	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
1/20/05	Public Safety Committee	Discussed	
7/21/05	Public Safety Committee	Discussed	
8/22/05	City Commission	Approved as Recommended (5 - 0 - 2 Absent)	

030125_2005.pdf

060483. Single Family Neighborhood Issues - Yard Parking Enforcement (B)

This item is related to file #050635 and #060255, Over-Occupancy in Single Family Neighborhoods.

Explanation: On November 14, 2005 the City Commission referred Over-Occupancy in Single Family Neighborhoods to both the Community Development and Public Safety Committees. Several items have already been jointly reported out to the City Commission, however, each committee had remaining referrals to discuss. This item is the last of the three referrals that were pending with the Public Safety Committee.

During the single family neighborhood meetings, the committee heard from some citizens that having the additional enforcement "eyes" of the police for

This agenda item requests funding for a proposed corridor study by the University Of Florida College Of Design, Construction and Planning, for the Waldo Road corridor.

Explanation: The City, County and the University of Florida have received a proposal from Professor Martin Gold of the University for a design study of the proposed Waldo Road corridor. The proposal states that the study will gather previous initiatives and proposals; define the corridor focus area and areas of influence; develop a future project matrix that summarizes proposals and alternative components noting the advantages and difficulties; extend and refine existing initiatives such as the Plan East Gainesville project; suggest multiple transportation modalities and linkages to other local projects; and suggest appropriate alternatives for commercial, housing and mixed use development. The proposed cost of the proposal is \$105,000, with the suggested cost being shared by the City (\$35,000), County (\$35,000) and the University of Florida (\$35,000) as proposed by Professor Gold.

There are two existing plans for the area, Plan East Gainesville, and (covering only the southern portion of the Waldo Road area) the Eastside Redevelopment Plan prepared by the Community Redevelopment Agency. Plan East Gainesville has set the vision for establishing activity and employment centers along Waldo Road, as well as an established long-term transit plan that will link the eastside activity centers to the University of Florida and the broader community. The Eastside Redevelopment Plan sets the foundation for implementing Plan East by providing a funding mechanism for incentives for redevelopment and for funding of infrastructure, improvements and physical enhancements to corridors, sidewalks, public spaces, parks and buildings. Given the long-range planning that has occurred, this proposal by the College of Design, Construction and Planning should provide a focused study of Waldo Road corridor opportunities and the future use of State-owned properties such as Tacahale. The proposal could develop a plan for how these properties should be used, looking at public/private partnerships, and what role the University of Florida and/or Santa Fe Community College could play in the long term development of the area. The proposal could also determine what short-term improvements could be made to improve the aesthetics along the corridor as it relates to landscaping and signage regulations.

Fiscal Note: The request is for \$35,000 from the City. Funds are available in the City Commission contingency fund (001-990-9989-5810-9110 with a balance of \$150,000).

RECOMMENDATION

The City Commission fund one-third of the study cost (\$35,000) from the City Commission contingency fund.

Alternative Recommendation A: The City Commission not fund one-third of the study.

060579_200610231300.pdf

GENERAL MANAGER FOR UTILITIES

060627.**Energy Efficiency Update (B)****Provide a status report regarding implementation of the FY07 Energy Efficiency Plan.**

Explanation: On July 25, 2006, the City Commission approved the Interim General Manager to implement the proposed Energy Efficiency Plan. Staff has been working hard to develop the foundation and infrastructure for achieving maximum energy efficiency and implement the first of these programs. Staff has worked with many community groups, such as environmental advocates, contractors, developers, civic and non-profit organizations, local retailers, and other internal and external stakeholders who have been instrumental in the development, implementation and ongoing planning of these programs. GRU staff has prepared a quarterly report outlining the progress of the FY07 Energy Efficiency Plan.

Additionally, GRU staff conducted a residential appliance saturation survey in FY06 and the results are now available. Staff recommends that the Regional Utility Committee review these survey results.

RECOMMENDATION

The City Commission: 1) Hear a presentation by Utility staff regarding the FY07 Conservation Plan; and 2) Refer the appliance saturation survey results to the Regional Utility Committee for review.

060627_200610231300.pdf

060628.**Engineer, Procurement and Construction (EPC) Services for Deerhaven Unit 2 Retrofit Project (B)****Staff recommends approval of the final ranking of the EPC firms and requests authorization to negotiate a contract in accordance with the Consultants' Competitive Negotiations Act (CCNA) for EPC Services for the DH2 Retrofit.**

Explanation: On January 5, 2006 the City Commission approved staff's recommendation for an Air Quality Control System (AQCS) and directed staff to retrofit Deerhaven Unit 2 with an AQCS to comply with EPA regulations requiring emissions reductions by specified deadlines.

Utilities Purchasing issued a Request for Qualifications (RFQ) for EPC services for the proposed DH2 Retrofit project to known engineering firms, equipment suppliers, and construction firms and posted the solicitation on the GRU website which is monitored by several bid reporting services. Twenty firms submitted Statements of Qualifications (SOQ) which were evaluated based on the criteria established in the RFQ the CCNA. Thirteen of the firms were deemed qualified to perform EPC services for the project.

Utilities Purchasing issued a Request for Proposal (RFP) to the thirteen firms.

The RFP allowed qualified firms to partner among themselves or to partner with other companies to form an EPC to perform the DH2 Retrofit. Two responses to the RFP were received and evaluated in accordance with criteria established in the RFP and the CCNA. The two firms are listed below in the order of ranking and a tabulation of the evaluation is attached for your reference. 1) Babcock Power Environmental (Turbosorp(r) Circulation Dry Scrubber, SCR Technology & Hamon Fabric Filter Technology) and CH2MHill in Consortium; and 2) Kiewit Southern Co. (EPC Management & Construction), Bibb & Associates (BOP Engineering), Wheelabrator Air Pollution control (FGD & PJFF) and Mitsubishi Power Systems (SCR)

In accordance with the CCNA, staff is recommending initiating contract negotiations with the top ranked firm. Babcock Power Environmental and CH2MHill in Consortium demonstrated superior experience in the engineering, procurement and construction of AQCS. If staff is unable to negotiate an acceptable contract with the top ranked firm, staff intends to initiate a competitive traditional A/E multi-contract approach.

Fiscal Note: The original capital budget estimates projected total installed cost to be \$101,362,200, however based on the current market the capital budget estimate for the DH2 Retrofit is \$141,000,000. The approved budget for FY 2007-2008 has adequate capital and operation & maintenance expense budgeted. The adjusted project costs will change forecasted expenditures from FY 2008 and forward. The increased cost results in an increase to the average residential customer of approximately \$1.70 for FY 2008 over the previously projected increase for that year.

RECOMMENDATION

The City Commission: 1) approve the final ranking of the Engineer, Procurement, Construction (EPC) firms; 2) authorize the Interim General Manager for Utilities, or her designee, to initiate contract negotiations in accordance with the Consultants' Competitive Negotiations Act (CCNA) for EPC Services for the DH2 Retrofit; 3) authorize the Interim General Manager or her designee, upon successful negotiations, to execute a contract subject to approval of the City Attorney as to form and legality, in an amount not to exceed \$ 123,207,869 and 4) authorize staff to procure other services, equipment and materials, as required, to complete the project as budgeted.

060628_200610231300.pdf

060628a_200610231300.pdf

060628b_200610231300.pdf

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

060378.

Enterprise Zone and Green Building Program Discounts (B)

This issue was discussed by the Community Development Committee and Gainesville Enterprise Zone Development Agency (GEZDA), who are making recommendations back to the City Commission.

Explanation: The Building Inspections Department is an Enterprise Fund, based on Florida Statute 553.80(7). The user fees collected (permit fees) are to be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. Fees may be used for: direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing, building code enforcement and fire inspections associated with new construction. If fees are discounted the City needs to cover the funding gap from another source.

The City has had in place for a number of years a fifty percent reduction in fees for green buildings and for buildings constructed in the Enterprise Zone. The Builders Association of North Central Florida has drawn the City's attention to the need to cover the financial gap from another source if these discounts are to continue. On August 21, 2006, the City Commission approved \$100,000 from the GRU transfer to cover the green building discounts. The green building discounts have become much more frequent including anticipated discounts in much larger amounts than the earlier discounts given. The Kangaroo station on North Main Street received the discount, Gatorwood Apartments and Gainesville Greens anticipate receiving it, and entire subdivisions of single-family houses (Madera, Northpoint at Ironwood) are receiving the green building discount. No funding source has been identified to cover building permit fee reductions for developments in the Enterprise Zone.

The Community Development Committee discussed this item on September 18, 2006. Staff went through the history of the green building discounts, and the Committee supported a change to the discounts so that green-built single-family houses could still receive a discount, but it would be reduced to 25% to lessen the budget impact. For non-single-family construction (multi-family, commercial, mixed use, etc.), the recommendation was that the discount be kept at 50% but shifted from building permit fees to site plan fees since those are not subject to the enterprise fund requirements (the discounted amount does not have to be covered by another source). For the Enterprise Zone discounts, the recommendation was that the discounts be maintained as they are now for site plan and other planning fees in the Enterprise Zone (since those discounts do not have to be covered from other funds) but that the building permit fee discounts be eliminated. The Committee recommended that for both the green building and Enterprise Zone discounts, the discounts would still apply for those going through the development review process now.

GEZA discussed the issue on September 26, 2006, and approved a motion indicating that staff be directed to pursue a scaled back discount based upon the menu of options indicated in the September 18, 2006 memo from Erik Bredfeldt, and report back at the next meeting as to a recommended course of action, anticipated fiscal impact, and potential funding sources.

Fiscal Note: \$100,000 has been budgeted for green building discounts for this fiscal year. No funds have been budgeted to cover Enterprise Zone discounts.

RECOMMENDATION

Community Development Committee to the City Commission: 1) shift the green building discount to site plan fees for nonresidential and multi-family buildings, since these discounts would be within planning and would not have to be compensated from another fund; 2) continue the green building discount for single-family residences, since no site plan fee is charged by planning for individual single-family residences, but reduce the discount to 25% for residences, 3) discontinue permanently the 50% building permit discount in the Enterprise Zone effective October 1, 2006 due to funding constraints, and 4) refer to the CRA, to refer to the Eastside Redevelopment Advisory Board and the Downtown Redevelopment Advisory Board, to consider whether to develop new incentives targeted to smaller scale developments that might be negatively impacted as the City removes the Enterprise Zone discounts.

GEZDA to the City Commission: The City Commission direct staff to pursue a scaled-back discount based upon the menu of options in the September 18, 2006 memorandum and report back at the next meeting as to a recommended course of action anticipated fiscal impact and potential funding source.

City Manager to the City Commission: 1) Accept the recommendation of the Community Development Committee, 2) authorize the City Attorney to draft and the Clerk to advertise an ordinance, and 3) direct the Economic Development staff to continue to coordinate with GEZDA on any possible impacts and alternatives as the building permit discounts are eliminated for projects in the Enterprise Zone and as discounts are provided via planning fees only.

Legislative History

8/28/06	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
9/18/06	Community Development Committee	Approved as Recommended

060378_200610231300.pdf

PUBLIC SAFETY COMMITTEE**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****060621.****Delta Sigma Theta Sorority, Inc. Weekend - November 3-5, 2006 (B)****RECOMMENDATION**

Delta Sigma Theta Sorority, Inc. Gainesville Alumnae Chapter President Diana McPherson and Co-Chair Gwendolyn Saffo, and Lambda Psi Chapter President Chaundra Gipson and Co-Chair Nailah Tillman to accept the proclamation.

060621_200611231300.PDF

060622.**White Cane Safety Month - October 2006 (B)****RECOMMENDATION**

Alachua County Council of the Blind President Maxine Stallings and Vice President Nimia Iturraspe to accept the proclamation.

060622_200611231300.PDF

060624.**Veterans Day - November 11, 2006 (B)****RECOMMENDATION**

Gator Detachment of the Marine Corp League to accept the proclamation.

060624_200611231300.PDF

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

PUBLIC HEARINGS**ADOPTION READING-ROLL CALL REQUIRED****060014.****LAND USE CHANGE - 837 SOUTHEAST 7TH AVENUE (B)****Ordinance No. 0-06-83, Petition 40LUC-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, as more specifically described in this ordinance, from “Residential Low-Density (up to 12 units per acre)” to “Recreation”; located in the vicinity of 837 Southeast 7th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from “Residential Low-Density (up to 12 units per acre)” to “Recreation”; located in the vicinity of 837 Southeast 7th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

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 adopt the proposed ordinance.

Legislative History

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

060014_200608141300.pdf

060014_1023061300.pdg.pdf

060015.**REZONING - 837 SOUTHEAST 7TH AVENUE (B)****Ordinance No. 0-06-84, Petition No. 41ZON-06PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from “RSF-4: 8 units/acre single-family residential district” to “PS: Public services and operations district”; to allow for a museum and cultural center, without approval of a preliminary site plan; located in the vicinity of 837 Southeast 7th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This is an application to rezone approximately 1.84 acres from RSF-4 to PS. The subject parcel is located in Southeast Gainesville's Springhill neighborhood. The subject parcel is the northern half of a block bounded by Southeast 8th Street on the west, Southeast 9th Street on the east, Southeast 8th Avenue on the south, and Southeast 7th Avenue on the north.

The purpose of this request is to allow the vacant historic buildings on the site to be redeveloped as a museum and cultural center. The largest building on the site was moved to its current location after World War II and has been used as a movie theater, nightclub and storage building. In the past, this one-story wood frame building has been known as the Perryman Theater, Cotton Club and the Blue Note. The property's owner is working with the University of Florida to restore the site for use as a museum, gift shop, and neighborhood activity center.

The subject property also contains five other vacant one-story structures. Those structures are four small wood frame houses and the former Perryman Grocery Store.

The subject property and all surrounding properties are zoned RSF-4, and are designated RL, Residential Low-Density (up to 12 units/acre) on the Comprehensive Plan's Future Land Use Map. This area of the city is dominated by single-family residences. An exception is the Mount Olive AME Church, which owns the subject property and is located along the subject property's southern boundary at 721 Southeast 8th Street. A park with a playground is located at the northwest corner of Southeast 8th Avenue and 9th Street.

According to Section 30-75(a) of the City of Gainesville's Land Development Regulations, the purpose of the proposed PS zoning is to provide suitable locations for public and private utility and recreation activities that serve and are used by the public.

For requests to rezone land to PS, City regulations allow the City Commission to require applicants to provide a site plan prior to rezoning approval. This option is in place to protect surrounding areas when public facilities such as utilities are proposed. In this instance, however, requiring a site plan prior to rezoning is not necessary. The site is owned by an adjacent church which is working with a non-profit corporation to develop the site as a community center.

The non-profit corporation has raised funds from private donations, special events, and the City of Gainesville. Their application for a State Historic Preservation Grant was ranked 16th out of more than 100. The PS zoning, however, must be in place to execute the grant.

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

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.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

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

060015_200608141300.pdf

060015_1023061300.pdf

ORDINANCES, 2ND READINGS - ROLL CALL REQUIRED

050766

LAND USE CHANGE - 900 BLOCK OF SW 34 STREET (WEST SIDE) (B)

Ordinance No. 0-06-56, Petition 172LUC-05PB

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use category of certain property annexed into the City from the Alachua County land use category of "LOW, Low Density Residential" to the City of Gainesville land use category of "Conservation"; consisting of approximately 13 acres, located in the vicinity of the 900 block of Southwest 34th Street, west side, as more specifically described in this Ordinance; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The subject property is located west of Southwest 34th Street in the 900 block. The property proposed for the land use change is approximately 13 acres in size and is composed of three tax parcels. This property was annexed into city limits on November 14, 2005. This petition is being proposed in order to bring the parcel under the City's land use and zoning regulations (as is required for all annexed properties).

The property is vacant, and all three parcels are located in the 10-year Flood Channel. The Land Development Code (Sec. 30-286) prohibits permanent structures or fills in the flood channel district except structures and fills designed for flood prevention and control, streets, bridges, and sanitary sewer lift stations and utility lines. There is currently no vehicular access to these parcels.

The current Future land use category designation on this parcel is Alachua County Low Density Residential. The existing zoning is Alachua County Agriculture; see related Petition 173ZON-05PB. The petition proposal is to change the Future Land Use category to City of Gainesville category Conservation.

The parcels to the north of the subject parcels are designated PF (Public Facilities) and CON (a portion of the Hogtown Greenway). To the south and east, properties have an E (Education) land use category consistent with the University of Florida ownership of the land. To the west, the land is designated Alachua County Low Density Residential.

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 surrounding property owners 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 172LUC-06 PB. Plan Board vote 7-0.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

The State of Florida Department of Community Affairs issued a letter dated September 22, 2006, stating that the Department raises no objections to the proposed amendment. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

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

RECOMMENDATION

The City Commission: 1) receive the report of the Department of Community Affairs; and 2) adopt the proposed ordinance.

Legislative History

7/10/06 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)

050766_200607101300.pdf
050766a_0710061300.pdf
050766_1023061300.pdf

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

050767**REZONING - 900 BLOCK OF SW 34 STREET (WEST SIDE) (B)****Ordinance No. 0-06-57, Petition No. 173ZON-05PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property annexed into the City from the Alachua County zoning category of "A, agricultural district" to the City of Gainesville zoning category of "CON: Conservation district"; located in the vicinity of the 900 block of Southwest 34th Street, west side, as more specifically described in this Ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject property is located west of Southwest 34th Street in the 900 block. The property proposed for the zoning change is approximately 13 acres in size and is composed of three tax parcels. This property was annexed into city limits on November 14, 2005. This petition is being proposed in order to bring the parcel under the City's land use and zoning regulations (as is required for all annexed properties).

The property is vacant, and all three parcels are located in the 10-year Flood Channel. The Land Development Code (Sec. 30-286) prohibits permanent structures or fills in the flood channel district except structures and fills designed for flood prevention and control, streets, bridges, and sanitary sewer lift stations and utility lines. There is currently no vehicular access to these parcels.

The current zoning designation on this parcel is Alachua County Agriculture. The current land use designation is Alachua County Residential Low Density; see related Petition 172LUC-05PB. The petition proposal is to change the zoning category to City of Gainesville Conservation.

The parcels to the north of the subject parcels are zoned PS (Public services and operations district) and CON (a portion of the Hogtown Greenway). To the south and east, properties have an ED (Educational services district) zoning consistent with the University of Florida ownership of the land. To the west, the land is zoned Alachua County Agriculture.

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 surrounding property owners 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 173ZON-05 PB. Plan Board vote 7-0.

RECOMMENDATION

The City Commission: 1) approve Petition No. 173ZON-05PB; and 2) adopt the proposed ordinance.

050767_1023061300.pdf

060109**BOARD OF ADJUSTMENT RULES, PROCEDURES AND APPEALS (B)****Ordinance No. 0-06-53; Petition 18TCH-06 PB**

An ordinance of the City of Gainesville, Florida, relating to the establishment and jurisdiction of the Board of Adjustment; amending section 30-354; establishing term limits for members, establishing minimum preferred requirements for members, amending the appeals process; amending subsection 30-346(d), removing the allowance that the board of adjustment may permit the reestablishment of a nonconforming use after the use has been discontinued or abandoned for nine consecutive months; deleting and repealing in its entirety obsolete board of adjustment appeals processes stated at sections 6-242 and 13-211, relating to the commercial building code; repealing obsolete board of adjustment appeals processes and criminal ordinance violations processes stated at section 30-327, relating to the sign regulations as stated in the Land Development Code; 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

On September 12, 2005, the City Commission referred to the Community Development Committee issues associated with the Board of Adjustment (BOA). The Community Development Committee discussed the BOA and its rules, processes and appeals procedures, on September 15, October 6, and November 3, 2005. The Committee discussed various possible changes to the BOA and how it works. The Committee considered one alternative of eliminating the BOA and transferring its responsibilities to other boards. Ultimately, the Committee concluded that the best approach is to advertise the existing appointments to the BOA, and implement training for BOA members, along with various changes to jurisdiction and appeals procedures.

The Plan Board heard and approved this petition on July 20, 2006. The Plan Board believes that the BOA can operate in an improved manner, in part, by adopting the following text amendments:

- > Establish term limits for BOA members.*
- > Establish preferred (not required) backgrounds or experience in urban planning, architecture, landscape architecture, law, development or construction for 3 out of 5 BOA members.*
- > Amend the process for appeals from administrative (staff) decisions.*

(This change would require that after all staff appeal levels are exhausted, the appeal would go to a hearing officer if the facts are in dispute, and then to the BOA. If the facts are not in dispute and all staff appeals are exhausted, the appeal would go directly to the BOA. The appeal of a BOA decision on a staff decision could then be appealed to the City Commission. The Commission would review the record of the hearing below, and determine if the Board's decision: 1) denied due process; 2) applied the correct law; and 3) the findings are supported by competent substantial evidence. Currently, all appeals go only to the BOA, and none go to a hearing officer.)

- > Specify additional informational requirements regarding petitions for appeal.
- > Amend City codes so that once a nonconforming use lapses for 9 months, there can be no possibility of appealing to re-establish the use. (Currently, a lapsed non-conforming use can be re-established by a decision of the BOA.)
- > Eliminate rarely used appeals to the BOA pertaining to signs and commercial buildings.

CITY ATTORNEY MEMORANDUM

Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, November 13, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

060109_1023061300.pdf
 060109_200610231300.pdf
 060109_20061023.pdf

060278.

URBAN SERVICES REPORT - DEERHAVEN AND PLUM CREEK (B)

Ordinance 0-06-105

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 05864-001-000, 05868-001-000, 05868-099-000, 05869-002-000, 05869-001-000, 05882-000-000, 05882-004-000, 05883-000-000, 05884-000-000, 05943-000-000, 05943-001-000, 05946-000-000, 05946-003-000, 05946-004-000, 05973-000-000, 05973-001-000, 05974-000-000, a portion of 07777-000-000, a portion of 07781-000-000, and a portion of 07813-000-000, generally located south of the vicinity of NW 142nd Avenue, west of the GRU well field, north of the City limits, and east of the City limits, the Deerhaven Power Plant, and NW 59th Drive, as more specifically described in this report; 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 Act 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 are 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 November 13, 2006. 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

8/14/06 City Commission Approved as Recommended (4 - 0 - 3 Absent)

060278_20060814.pdf

060278_200610231300pdf.pdf

060278a_20061023.pdf

060385.

**URBAN SERVICES REPORT - SCHROEDER - TAX PARCELS
06706-044-000 and 06706-045-000 (B)**

Ordinance 0-06-98

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 06706-044-000 and 06706-045-000, generally

located south of the City Limits and SW 17th Place, west of the vicinity of SW 34th Street, north of the vicinity of SW 20th Avenue and east of SW 38th Terrace; 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 Act 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 are 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 November 13, 2006. 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**

9/11/06 City Commission Approved as Recommended (4 - 0 - 3 Absent)
 060385_200609111300.pdf

060345.**LANDLORD PERMIT FEES (B)****Ordinance No. 0-06-93**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to fees; amending the Land Development Code section of Appendix A by increasing the landlord permit fees; eliminating fee reduction; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.

Explanation: The City Commission at its meetings on July 10, 2006 and August 28, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance eliminating a fee reduction and increasing the fee for landlord permits.

This ordinance requires two public hearings. If the ordinance passes on first reading, second and final reading will be held on November 13, 2006.

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

8/28/06 City Commission Approved as shown above (See Motion) (5 - 0 - 2 Absent)
 060345_200608281300.pdf
 060345_1023061300.pdf

060608.**SEXUAL PREDATOR/OFFENDER RESIDENCY REQUIREMENTS (B)****Ordinance 0-06-122**

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

Explanation: The City Commission on October 9, 2006 authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending section 17-32 by adding John Mahon Park to the list of parks within the city limits which prohibit child sexual offenders and predators from living within 2,500 feet of the park.

RECOMMENDATION*The City Commission adopt the proposed ordinance.*

060608_200610231300.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

050635

AMENDMENT OF SECTION 15-6 RELATING TO NOISE (B)

Ordinance No. 0-06-75 (B)

An ordinance of the City of Gainesville, Florida, relating to noise; amending section 15-6 of the Code of Ordinances increasing the duration of warnings for all prohibited sounds; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing for penalties; and providing an effective date of November 1, 2006.

Explanation: The City Commission at its meeting on July 10, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance extending the period of a warning for prohibited sounds from 90 days to 365 days. This amendment was recommended by the Community Development Committee and the Public Safety Committee.

This ordinance requires two public hearings. This ordinance passed on first reading on August 28, 2006. Second and final reading was continued from September 11, 2006 and will be held on October 23, 2006.

RECOMMENDATION

The City Commission adopt the proposed ordinance as amended.

Legislative History

11/14/05	City Commission	Referred (7 - 0)	Community Development Committee
11/14/05	City Commission	Referred	Public Safety Committee
1/19/06	Public Safety Committee	Discussed	
4/6/06	Community Development Committee	Approved as Recommended	
4/20/06	Public Safety Committee	Discussed	
6/1/06	Community Development Committee	Approved as Recommended	
6/15/06	Public Safety Committee	Discussed	
7/10/06	City Commission	Approved, as shown above - See Motion(s) (7 - 0)	

- 050635a_200604201330.pdf
- 050635b_200604201330.pdf
- 050635_200607101300.pdf
- 050635_200608281300.pdf
- 050635_200610231300.pdf

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

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

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

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

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/9/06 City Commission Adopted on First Reading (Ordinance) (7 - 0)

060563_1009061300.pdf

060563_200610231300.pdf

060104.**SOUTHWEST 13TH STREET SPECIAL AREA PLAN (B)****Ordinance No. 0-06-87; Petition 66TCH-06 PB**

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

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT
This is a request to allow Planned Developments (PD) to be eligible for additional exceptions to the development standards of the Southwest 13th Street Special Area Plan. Currently, developments within the Southwest 13th Street Special Area District may be exempt from some standards, as described in subsection (e), subject to board or staff review.*

The amendment, as proposed, would allow exceptions to the following additional standards: building orientation, bicycle parking, signs, trash and

recycling receptacles and loading docks, building wall articulation and mechanical equipment placement.

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

CITY ATTORNEY MEMORANDUM

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

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

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

10/9/06 City Commission Adopted on First Reading (Ordinance) (7 - 0)

060104_200608141300.pdf

060104_1009061300.pdf

060457.

WASTEWATER PRETREATMENT ORDINANCE (B)

ORDINANCE NO. 0-06-106

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

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

Additionally, the City Code pertaining to the cross connection control program needs to be changed to reference the current section of the Florida Administrative Code that pertains to cross connection control. The cross connection control program is administered by GRU staff to protect the drinking

water supply from hazards on the customer side of the meter.

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

RECOMMENDATION

The City Commission adopt the proposed ordinance.

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

Legislative History

9/11/06	City Commission	Approved as Recommended (4 - 0 - 3 Absent)
10/9/06	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

060457_20060911.pdf

060457_200610091300.pdf

RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

060422.

Text Amendment to Add Commercial Uses and New Construction to Existing Planned Development (B)

Petition 104PDA-06 PB. Quasi-Judicial. Brown & Cullen, Inc., agent for Green Market Properties, LLC. Planned Development text amendment to add commercial uses and allow future construction on an existing Planned Development. Located at 5402 Northwest 8th Avenue.

Explanation: This petition is a request to amend an existing Planned Development (PD) to allow additional commercial uses and provide the option of new construction on approximately 3.87 acres of property located at 5402 Northwest 8th Avenue. The applicant intends to continue operating the site as a plant nursery, but proposes adding other uses that will provide a green market approach to the project. The petitioner has the option of constructing additional buildings on site, but the total allowable square footage will not exceed 50,000 square feet. Staff conditions provide design criteria that will be applied to new development or proposed new uses on the site and these conditions will ensure the project will remain compatible with the surrounding residential areas.

The Plan Board heard the petition and recommended approval with modifications to staff conditions. Staff does not support the Plan Board's decision to modify Condition 10. The Plan Board recommendation was to strike the first sentence in Condition 10. Staff recommends keeping the first sentence in Condition 10 as originally recommended: "All new construction shall be architecturally consistent with the existing structures currently on site." Page five of the applicant's PD report states that neighborhood compatibility is

demonstrated by the existing buildings and designs which will be retained on the site.

Public notice was published in the Gainesville Sun on September 5, 2006. Letters were mailed to surrounding property owners on September 6, 2006. The Plan Board held a public hearing on September 21, 2006.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 104PDA-06 PB, with modified conditions. Plan Board vote 4-0.

Staff to Plan Board - Approve

Alternative Recommendation A: Approve Petition 104 PDA with staff's original conditions.

060422a_200610231300.pdf

060422b_200610231300.pdf

060422_200610231300.pdf

060422_20061023.pdf

060493.

Street Vacation for Wal-Mart Stores East (B)

Petition 127SVA-06 PB. Quasi-Judicial. CPH Engineers, Agent for Wal-Mart Stores East LP. Pursuant to Section 30-192(b), City of Gainesville Land Development Code, to vacate, abandon, and close that portion of Northeast 12th Avenue, located between the east right-of-way line of Waldo Road and the west boundary of the Cedar Grove residential subdivision.

Explanation: The Wal-Mart Supercenter is proposed at the intersection of Northeast 12th Avenue and Waldo Road, bounded by the Tacachale development to the north, the Duval community to the south, and the Cedar Grove subdivision to the east. The area comprises seven parcels. In order to accommodate the proposed 196,000 square foot Wal-Mart supercenter and associated facilities, the applicant is proposing to vacate and abandon the existing Northeast 12th Avenue right-of-way from Waldo Road to the west entrance of the Cedar Grove subdivision. A new alignment of Northeast 12th Avenue will be constructed.

Planning staff reviewed the application based on the criteria listed in the Land Development Code and recommended approval with the following conditions: 1) The development plan for the Wal-Mart Supercenter must be approved by the City; 2) The second reading of the ordinance approving the street vacation of Northeast 12th Avenue shall be coordinated with the final sign-off of the site plan for the Wal-Mart Supercenter; 3) The existing Northeast 12th Avenue shall not be closed, removed or altered in any way until the new alignment of Northeast 12th Avenue is open and functional, as determined by Public Works; 4) In the event that construction has commenced on the Wal-Mart Supercenter and the new road alignment is not completed, provision shall be made to allow a temporary alternate route to maintain continuous access to Cedar Grove from

Waldo Road. Any temporary route must be approved by Public Works; and 5) In the event the development, commonly known as the Wal-Mart Supercenter, is not constructed and completed within five years of staff sign-off of the finalized site plan, the street vacation ordinance shall be repealed and the vacation of the right-of-way shall be of no further force and effect.

Public notice was published in the Gainesville Sun September 5, 2006. Letters were mailed to surrounding property owners on September 6, 2006. The Plan Board held a public hearing September 21, 2006.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 127SVA-06 PB, with conditions. Plan Board vote 3-1.

Alternative recommendation A: The City Commission deny Petition 127SVA-06 PB.

060493_200610231300.pdf

060493_200610231300.pdf

060493_200610231300.pdf

060494.

Proportionate Fair-Share Ordinance (B)

Petition 136TCH-06PB, City Plan Board. Amend the City of Gainesville Land Development Code to adopt a Proportionate Fair-Share Ordinance for transportation concurrency to meet the new State requirements.

Explanation: This petition creates a new proportionate fair-share ordinance as required by Chapter 163.3180(16) Florida Statutes. The new ordinance must be adopted by December 1, 2006.

The 2005 amendments to Florida's Growth Management legislation require that each local government enact an ordinance that will allow developers to meet transportation concurrency requirements on failing roadways through a proportionate share contribution under certain conditions. The developer must contribute a fair share of the cost of improving the impacted transportation facility.

Under previous State law, local governments could not issue development orders for developments impacting roads operating at a deficient level of service (LOS) unless certain Comprehensive Plan tools had been implemented such as Transportation Concurrency Exception Areas (TCEAs), Multimodal Transportation Districts (MMTDs), or Transportation Concurrency Management Areas (TCMAs). The City of Gainesville implemented a TCEA to address our transportation concurrency deficiencies in 1999 and updated it in 2005 to add an additional Zone C.

The State now has added proportionate fair-share as a new tool for meeting transportation concurrency requirements outside of TCEAs, MMTDs, or TCMAs. Proportionate fair-share is a pay-as-you-go method that does not

require immediate resolution of the roadway LOS deficiency, but transportation projects satisfying the LOS deficiencies on these facilities must be programmed for improvement in the 5-Year Schedule of Capital Improvements or a long-term concurrency management system.

The City's proposed ordinance is largely based on the model ordinance developed for the state by the Florida Department of Transportation (FDOT) and the Center for Urban Transportation Research (CUTR) at the University of Florida. Discussions with Alachua County Growth Management have indicated that they are also using the model ordinance as the basis for their ordinance.

The methodology used to calculate an applicant's proportionate fair-share obligation for roadway widening or new roadway construction is as specified in Chapter 163.3180(12), Florida Statutes: "The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS." Construction costs are based on the FDOT cost index provided annually.

In addition, State statutes allow the City to enter into binding proportionate fair-share agreements with developers for systemwide improvements that will significantly benefit the impacted transportation system. The City incorporated a method for smaller developments (generating fewer than 1,000 average daily trips or 100 peak-hour trips) to contribute to systemwide projects such as the Traffic Management System (TMS) and the Regional Transit System.

The method for calculating TMS proportionate share is to determine the peak hour trips on TMS corridors (inside city limits) and divide by the cost of the TMS (minus costs for road corridors outside city limits) to determine a cost per p.m. peak hour trip. Developers will pay for the impacts of their p.m. peak hour trips based on the cost per trip.

The method for calculating the transit proportionate fair-share contribution is calculated by taking the development's net new p.m. peak hour trips and multiplying by the transit area costs for new peak hour trips available divided by the person-trips to vehicle trips conversion factor (currently 1.09 is used for the number of persons/vehicle based on the transportation model).

The Plan Board heard this petition and made changes as reflected in this proposed ordinance language.

The City Attorney's Office reviewed a draft version of this ordinance, and they recommended only minor changes that will be incorporated when the ordinance is drafted for 1st Reading.

Public notice was published in the Gainesville Sun on September 5, 2006. The Plan Board held a public hearing September 21, 2006.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 136TCH-06 PB. Plan Board vote 4-0.

Staff to Plan Board - Approve

Alternative Recommendation A: The City Commission deny Petition 136TCH-06 PB.

060494_200610231300.pdf

060494_200610231300.pdf

DEVELOPMENT REVIEW BOARD PETITIONS**060578.****Design Plat for Ingleside Village Subdivision (B)**

Petition 22SUB-06DB. Quasi-Judicial. Brown & Cullen, Inc., agent for Andrew Kaplan. Design plat approval of Ingleside Village Subdivision, for nine lots on .89 acres more or less, having a density of 10 dwelling units per acre. Located between Northwest 17th Avenue and Northwest 18th Avenue and between Northwest 9th Street and Northwest 10th Street.

Explanation: The Development Review Board considered a request to approve a design plat of Ingleside Village Subdivision for nine lots on .89 acres more or less, at a public hearing held on September 14, 2006. The Development Review Board approved Petition 22SUB-06DB with staff conditions, which include obtaining City Commission approval to waive the City's sidewalk requirements.

The applicant is requesting approval to subdivide Block "F" of the Ingleside Subdivision, as recorded in Plat Book C, Page 2, of the Public Records of Alachua County, Florida. Block "F" presently consists of six lots on approximately 1.16 acres that are occupied by a single-family dwelling and two accessory structures. Northwest 18th Avenue abuts on the north. Northwest 17th Avenue abuts on the south. Northwest 9th Street abuts on the east, and Northwest 10th Street abuts on the west. The land use and zoning designations are RL (Residential low-density: up to 12 units per acre) and RMF-5 (Multiple-family medium density residential districts).

On April 10, 2006, the City Commission granted the applicant design plat approval for 10 residential lots on the approximately 1.16 acres of Block "F". However, since this meeting, the applicant has filed for staff approval of a lot split application (Petition 117LSP-06CD) that involves subdividing Block "F" into two lots (Lot A and Lot B) instead.

According to the lot split application, the applicant will retain the existing single-family residential structure on Lot A. The two accessory structures will be demolished. Lot B will remain vacant until approved for subdividing into the proposed nine residential lots, with each to contain one single-family dwelling unit.

The applicant is also requesting a waiver from the City's sidewalk requirements.

The applicant is required to provide a sidewalk along the abutting right-of-ways under Section 30-188 (e) of the City Land Development Code. Modification of the standard requiring the provision of sidewalks within the right-of-ways abutting the proposed subdivision must be approved by the City Commission, as specified in Section 30-192 (d) of the City Land Development Code.

Fiscal Note: None

RECOMMENDATION

Development Review Board to City Commission - The City Commission approve Petition 22SUB-06DB with staff conditions, which include obtaining City Commission approval to waive the City's sidewalk requirements. Vote 5-0 (Abstain: Ingram).

Staff to Development Review Board - Approve the petition, with staff conditions.

Alternative Recommendation A: The City Commission approve Petition 22SUB-06DB with staff conditions and require the provision of sidewalks meeting all applicable standards.

Alternative Recommendation B: The City Commission approve Petition 22SUB-06DB with staff conditions and waive the City's sidewalk requirements.

Alternative Recommendation C: The City Commission deny Petition 22SUB-06DB.

060578_200610231300.pdf

060578a_200610231300.pdf

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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