

City of Gainesville

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



Meeting Agenda

January 22, 2007

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

050196

Request to offer the 200-acre City-owned Wacahoota property to Alachua County for acquisition through the Alachua County Forever program (B)

This item is a request for the City Commission to direct staff to pursue Alachua County's interest in acquiring the City-owned property on Williston Road (Wacahoota Property) through the Alachua County Forever (ACF) land-buying program.

Explanation: A request for an exchange of property between the City of Gainesville and the State of Florida Division of Forestry (DOF) was referred to the City Commission by the Recreation and Cultural Affairs Committee (now the Public Works/Recreation and Cultural Affairs Committee) on July 25, 2005.

On August 8, 2005, the City Commission heard this request to exchange a portion (10 acres) of the City-owned Wacahoota property to DOF for what is known as the Smokey Bear Park and DOF Administrative Office and vehicle and maintenance compound located at the corner of NE 15th Street and NE 23rd Avenue.

The City Commission directed staff to bring back additional information on the proposed exchange, including, "that Alachua County Forever be given the opportunity to express their interest in the Wacahoota property." Also, per the City Commission's direction, the City Manager communicated in writing to the

Alachua County Manager concerning the County's intent to acquire the Wacahoota property through ACF.

On February 14, 2006, the Alachua County Board of County Commissioners (BoCC) heard a request from ACF staff to approve the addition of the Kanapaha Prairie - Wacahoota Road property to the ACF Acquisition List (A List). The BoCC voted unanimously to approve the following recommendation: "The BoCC should approve the addition of the Kanapaha Prairie-Wacahoota Road tract to the Active Acquisition List and should encourage the City of Gainesville to first pursue the property swap with the State Division of Forestry before offering it to the County for sale."

The property exchange between the City of Gainesville and DOF did not occur and DOF has since acquired other lands for their new forestry office. The entire Wacahoota property is therefore now available should the County wish to pursue its acquisition through the Alachua County Forever program.

Currently the City has a long-term lease with Gator Bowmen for the use of 50 acres for an Archery Range. In previous discussions with County staff, they have stated that they are amenable to continue this lease if Alachua County does acquire the 200 acre property.

A recent appraisal (September 2006) of the Wacahoota property puts the per acre value at \$12,000.00 or \$2,400,000.00 for the entire site of 200 acres.

Should the County choose to purchase the Wacahoota property, a portion of this one-time revenue source could be used to purchase the Smokey Bear Park to insure the property remains a city park into the future. Staff also recommends that the portion of the DOF property that is used for administrative offices as well as a vehicle and maintenance facility compound be included in the overall purchase.

Staff has communicated in writing with DOF regarding the City's interest in acquiring the Smokey Bear Park Property. A specific purchase price for the DOF property has not been determined at this time by DOF. During discussion concerning the property exchange the property had an appraised value of \$449,000 - as of September 2005.

Fiscal Note: A specific purchase price for the DOF property (Smokey Bear Park) is unknown at this point in time. However as noted under the explanation, a 2005 Appraisal put the value of the property at \$449,000. The Purchase of the Wacahoota property by Alachua County Forever would result in a one-time revenue source to the City.

RECOMMENDATION

The City Commission direct staff to work with Alachua County and the Alachua County Forever program regarding the sale of the entire 200 acre Wacahoota site for the purpose of conservation and authorize the City Manager to execute any related documents subject to review by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission direct staff to advise Alachua County that the City is no

longer interested in the sale of the Wacahoota site to Alachua County and continue to retain the property in the City's inventory and managed by Parks, Recreation and Cultural Affairs Department.

Legislative History

7/25/05	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
7/25/05	City Commission	Approved as Recommended and Referred	Recreation and Cultural Affairs Committee
8/4/05	Recreation and Cultural Affairs Committee	Heard	
8/22/05	City Commission	Referred (6 - 0 - 1 Absent)	City Manager
12/12/05	City Commission	Approved, as shown above (Second Motion)	
2/27/06	City Commission	Approved, as shown above (Second Motion)	

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060841.

East Gainesville SPROUT Project Membership (B)

This item involves correcting an administrative oversight in re-appointing two members of the East Gainesville SPROUT Project Task Force.

Explanation: On May 8, 2006 the City Commission re-appointed Linda McGurn and Commissioner Mike Byerly to the East Gainesville SPROUT Project Task Force. Ms. McGurn's membership had expired March 15, 2006 and Commissioner Byerly's membership was set to expire on May 10, 2006. In the agenda items for these re-appointments, staff specified two-year terms for each member. It has come to staff's attention that the duration of the terms was incorrectly stated and should have been three years instead of two. The City Commission changed the terms to three years effective January 24, 2005. The correct term expiration dates should be: Ms. McGurn serving until March 15, 2009; Commissioner Byerly serving until May 10, 2009.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) revise the reappointments for members Linda McGurn and Commissioner Mike Byerly to reflect three-year terms; and 2) set Ms. McGurn's membership to expire on March 15, 2009

and Commissioner Byerly's membership to expire on May 10, 2009.

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060842.

FY 2006-07 Community Development Block Grant Allocation for the Helping Hands Clinic Support Project to Serve the Homeless and Other Medically Underserved Residents (NB)

This action will allow the transfer of the Helping Hands Clinic Support Project from the Alachua County Health Department to the Alachua County Medical Society Foundation, Inc.

Explanation: On July 27, 2006, the City Commission approved the allocation of \$7,000 in Community Development Block Grant (CDBG) funds in the FY 2006-07 budget for the Helping Hands Clinic Support Project to be administered by the Alachua County Health Department. The City was prepared to enter into a subrecipient agreement with the Alachua County Health Department to initiate this project; however, in November 2006, the Health Department decided that it would not accept the conditions of the contract with the City. The Health Department's decision left this project without a responsible entity to administer it. A suitable project sponsor, the Alachua County Medical Society Foundation, Inc., has since agreed to take over this project as an extension of its We Care Program.

Staff proposes that the Helping Hands Clinic Support Project, including the \$7,000 CDBG allocation, be assigned to the Alachua County Medical Society Foundation, Inc. The project will continue to support efforts to provide medical and dental care for the homeless and other medically underserved residents of Gainesville.

Fiscal Note: \$7,000 in CDBG funds is budgeted in the current fiscal year for this project.

RECOMMENDATION

The City Commission: 1) approve the reallocation of \$7,000 in FY 2006-07 Community Development Block Grant funds from the Alachua County Health Department to the Alachua County Medical Society Foundation, Inc.; and 2) authorize the City Manager to execute a subrecipient agreement with the Alachua County Medical Society Foundation, Inc. for the Helping Hands Clinic Support Project.

Alternative Recommendation A: The City Commission decline the offer of the Alachua County Medical Society Foundation, Inc. to take over the Helping Hands Clinic Support Project.

Alternative Recommendation B: The City Commission defer action to a later date.

060844.**Bid Award - SW 2nd Avenue from Main Street to 13th Street Construction Project (B)**

This item involves a request for the City Commission to authorize the bid award to John C. Hipp Construction and Equipment Company for the SW 2nd Avenue from Main Street to 13th Street Construction Project for Milling, Resurfacing, Landscaped Median Islands and Roundabouts in the amount of \$ 3,279,382.80.

Explanation: On June 29, 2006, the City's Purchasing Division solicited bids for the SW 2nd Avenue, from Main Street to 13th Street Construction Project for Milling, Resurfacing, and Landscaped Median Islands. The project was bid without roundabout (Base Bid) and with roundabouts at SW 10th and 12th Street intersections (Alternate Bid). Two (2) firms responded with bids. John C. Hipp Construction and Equipment Company was the lowest responsible, responsive bidder in the amount of \$ 3,279,382.80 that includes the roundabouts.

The roundabouts and median islands include landscaping, irrigation and lighting systems. The roundabouts are being funded through the University of Florida Campus Development Agreement specifically for increasing roadway capacity.

Fiscal Note: The funding for the project is available from the following sources: (1) \$431,513 from the First Florida Governmental Financing Commission Series 2002 bond proceeds (2) \$753,733 from the First Florida Governmental Financing Commission Series 2005 bond proceeds and (3) \$900,000 from the August 2006 Campus Development Agreement. The balance of the 3,279,382.80 bid construction costs will come from the proceeds of the 2007 \$1.5 million bond issue for roadway reconstruction approved by the City Commission as part of the 2007-2011 Capital Improvement Plan.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the bid award to John C. Hipp Construction and Equipment Company for the SW 2nd Avenue from Main Street to 13th Street Construction Project for Milling, Resurfacing, Landscaped Median Islands and Roundabouts; and 2) authorize the City Manager to execute the contract, subject to approval by the City Attorney as to form and legality, and issue a purchase order in an amount not to exceed \$ 3,279,382.80.

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060847.**Certification of Local Government Emergency Shelter Grant Application (B)**

This agenda item approves the execution of a certification of local government requested by the Alachua County Coalition for the Homeless and Hungry, Inc. for an application for Emergency Shelter Grant Prevention funding.

Explanation: The Alachua County Coalition for the Homeless and Hungry, Inc. (ACCHH) has submitted an application for funding under the Florida Department of Children and Families Emergency Shelter Grant (ESG) Prevention program. If awarded, ACCHH will use the funds to provide financial assistance to families and individuals for payment of security deposits, utility deposits, first month's rent, and other eviction prevention assistance. Local agencies that are actively participating in the local Homeless Management Information System (HMIS) and providing case management services to their clients will be eligible to refer consumers for these program benefits. It is anticipated that approximately 75 households will receive aid from this program, which will be administered through a subcontract with the Alachua County Housing Authority.

The ESG application requires the inclusion of a "certification of local government" based on the project location - in this case, the City of Gainesville. By signing the certification, the local government is certifying that it does not object to the application being submitted for ESG funds.

Due to the January 3, 2007, application deadline, the City Manager has signed the certification of local government on behalf of the City. Given that prevention is a key element in addressing the problem of homelessness in our community, staff believes that the application submitted by ACCHH is consistent with the goals of the 10-Year Plan to End Homelessness.

Fiscal Note: There is no fiscal impact on the City's budget. If awarded, funding will be provided through the Florida Department of Children and Families.

RECOMMENDATION

Recommended Motion: The City Commission approve the City Manager's execution of a certification of local government for the Alachua County Coalition for the Homeless and Hungry, Inc. application for Emergency Shelter Grant - Prevention funds through the Florida Department of Children and Families.

Alternative Recommendation A: The City Commission disapprove the execution of the certification of local government.

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060850.

Contract Between the Amalgamated Transit Union (ATU), Local No. 1579 Bargaining Unit and the City of Gainesville for October 1, 2006 through September 30, 2009 (B)

This item proposes the ratification of the Agreement between the City of Gainesville and the Amalgamated Transit Union, Local No. 1579 Bargaining Unit.

Explanation: This Agreement has been reached through negotiations between the Amalgamated Transit Union, Local No. 1579 and the City of Gainesville, and was ratified by the Amalgamated Transit Union, Local No. 1579 Bargaining Unit on January 17, 2007. This Agreement extends the current Collective Bargaining Agreement through September 30, 2009.

A copy of the Agreement is on file in the Clerk of Commission Office. After January 22, 2007, the Agreement will be on file in the Human Resources Department.

The ATU Contract includes changes to the General Pension Plan regarding purchase of permissive service credits and substantial review and updates to the Disability Pension Plan. A copy of these changes is on file in the Human Resources Director's Office.

Fiscal Note: The total cost of the package is approximately \$5.6 million for the Bargaining Unit, and is covered in the FY 2007 budget. The costs for years two and three will be addressed in the budget preparation process.

RECOMMENDATION

The City Commission ratify the Agreement between the City of Gainesville and the Amalgamated Transit Union, Local No. 1579 Bargaining Unit extending through September 30, 2009.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

060868.

Approval of Contracts for Grounds Maintenance (B)

Staff recommends award of a contract for grounds maintenance for the Utility facilities located within the 5th Avenue compound and the GRUCom central equipment building.

Explanation: Grounds maintenance is required at various GRU facilities for routine landscape maintenance, including service for lawn, shrub and plant bed maintenance, fertilization, mulching, pruning, weed control and other related services in accordance with each facility's maintenance requirements. This contract covers four Utility facilities located in the 5th Avenue compound, including the Administration building and the GRUCom central equipment building located in the 300 block of S.W. 5th Street.

Purchasing issued an Invitation to Bid for grounds maintenance at the 5th Avenue compound facilities, GRUCom central equipment building, Springhill Operations Center and System Control Center. The Invitation to Bid was sent to 12 prospective bidders with 9 companies attending a mandatory pre-bid meeting. Nine bids were received, including 3 no bids. E.W. Reshard, Inc. submitted the best evaluated bid for the GRUCom central equipment building and the facilities located within the 5th Avenue compound. A contract for grounds maintenance services for the Springhill Operations Center and System Control Center is being awarded to Sunshine State Lawn Service, Inc. under a

separate contract and does not meet the threshold for City Commission approval.

Fiscal Note: Funds for these services have been included in the FY 2007 Utilities O&M budget.

RECOMMENDATION

The City Commission authorize the Interim General Manager, or her designee, to 1) execute a one year contract with E.W. Reshard, Inc. for grounds maintenance for the Utility facilities located within the 5th Avenue compound and the GRUCom central equipment building and 2) issue purchase orders to E. W. Reshard, Inc. for these services in the amount of \$34,875.

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060869.

Design Services for Deerhaven Generating Station Maintenance Shop Expansion (B)

Staff recommends approval of the final ranking of the architectural/engineering design firms and authorization to negotiate a contract in accordance with the Consultants' Competitive Negotiations Act (CCNA) for design services for the proposed expansion of the Deerhaven Generating Station Maintenance Shop.

Explanation: The maintenance shop and administrative areas of the Deerhaven Generating Station were built in 1969 as part of the original construction of Deerhaven Unit 1. The maintenance facilities and administrative space no longer adequately meet current operational and maintenance needs due to space limitations for bringing aging equipment into a central area for maintenance and major repair. The proposed expansion consists of 4,200 SF of additional shop area, and 2,400 SF of office space, which will be occupied by engineering, safety and training personnel, and to create a space for computer based training and work order entry areas.

Utilities Purchasing issued a Request for Statement of Qualifications (RFSQ) for architectural and engineering design services for the proposed expansion. Three firms submitted Statements of Qualifications (SOQ), which were ranked after evaluation of the submittals and discussions held in accordance with the criteria established in the RFSQ and the Competitive Consultants Negotiations Act (CCNA).

The three firms listed as follows are in the order of ranking and a tabulation of the evaluation is attached for your reference: Brame Architects, Inc., CH2M Hill, Inc., Bentley Architects + Engineers, Inc.

In accordance with the CCNA, staff is recommending initiating contract negotiations with the top ranked firm, Brame Architects, Inc.

If staff is unable to negotiate an acceptable contract with the top ranked firm, it may initiate negotiations with the other firms in sequential order.

Fiscal Note: Funding for this project is available in the FY 07 Energy Supply budget.

RECOMMENDATION

The City Commission: 1) approve the final ranking of the architectural/engineering design firms; 2) authorize the Interim General Manager, or her designee, to negotiate a contract in accordance with the Consultants' Competitive Negotiations Act (CCNA) for architectural design services for the proposed expansion of the Deerhaven Generating Station maintenance shop; and 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 \$150,000.

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060878.

Agreement for GRUCom Telecommunications Consulting Services (NB)

Staff is requesting a contract amendment with HIKE & Company for telecommunications consulting services.

Explanation: HIKE & Company has been GRUCom's primary telecommunications consultant since 1995 and has been involved in almost all development activities. The Consultant has assisted GRUCom through the successful start-up phase of the Competitive Access Provider and Internet Service Provider businesses. Of particular importance, the Consultant has been instrumental in developing business relationships with other carriers and key customers with whom they have strategic business relationships. The interface the consultant provides between GRUCom and its key customers enables GRUCom to respond effectively to the many issues it faces in the competitive telecommunications industry. These relationships have aided GRUCom's expansion and sales growth, and are invaluable.

During the past eleven years, the Consultant has acquired a unique and intimate knowledge of GRUCom plans, operations, customers and issues and has demonstrated a sincere commitment to GRUCom's success. Although other firms may have similar qualifications, the Consultant's knowledge, relationships, and shared history with GRUCom are extremely valuable and important to GRUCom's continued success. These attributes could only be replaced in conjunction with an extended learning curve on the part of a new service provider. The quality of the Consultant's work is considered high and the rates and charges are competitive with the market for similar services. For these reasons it is recommended that the Consultant be retained for as-needed telecommunication consulting services.

The current contract with the Consultant expires on January 13, 2007. The amendment will extend the contract, based on the same terms and conditions, for an additional twelve months, through January 13, 2008.

Fiscal Note: Funds for these services are available in the approved GRUCom Capital and

Operating budgets for FY 2007 and will be requested in the FY 2008 budget.

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager or her designee to negotiate and execute a contract amendment with HIKE & Company, as a specified source, for telecommunications consulting services on an as needed basis for a twelve-month term ending January 13, 2008, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders in amounts not exceeding \$75,000 for these services.

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

060879. City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the Minutes of January 8, 2007, as circulated.

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060880.

Resignation of Advisory Board/Committee Member Lauren McDonell (B)

RECOMMENDATION

The City Commission accept the resignation of Lauren McDonell from the City Plan Board effective December 8, 2006.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT**

060240

Stephen Foster Neighborhood Speed Tables (B)

This item involves a request to remove the Stephen Foster Speed Tables referral from the Recreation, Cultural Affairs, and Public Works Committee Active Referral list.

Explanation: A representative from the Stephen Foster neighborhood requested several

changes to the traffic control signs along NW 30th Avenue between NW 6th Street and NW 13th Street. Representatives from the Public Works Department met with the neighborhood representative on site to discuss the requested changes. Public Works was able to implement the requested changes except for relocating a speed hump sign. The speed hump sign relocation conflicted with the access to a United States Postal Service mailbox. The neighborhood representative offered to work with the Postal Service to relocate the mailbox. If the mailbox and its access zone are relocated, Public Works will move the speed hump sign to the location requested.

Fiscal Note: There is no materials cost to relocate the sign.

RECOMMENDATION

The City Commission remove this item from the Recreation, Cultural Affairs, and Public Works Committee Active Referral List.

Legislative History

7/10/06	City Commission	Referred (7 - 0)	Recreation, Cultural Affairs and Public Works Committee
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COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

040186

Comprehensive Homeless Shelter Facilities (B)

This item was referred to the Community Development Committee on January 12, 2004 to address the comprehensive homeless shelter facilities and community-wide plan to end homelessness. This item is related to Legislative Item No. 040187 - Community-Wide Plan to End Homelessness.

Explanation: This item was referred to the Community Development Committee on January 12, 2004. The Committee discussed this item on August 5, 2004, November 4, 2004, January 6, 2005, July 14, 2005, and February 2, 2006. In 2004, several staff members had an opportunity to visit comprehensive homeless facilities in Leesburg and Clearwater. On January 6, 2005, Jim Hencin, Block Grant Manager, informed the Committee that there were a number of grant applications pending to homeless needs. Requests have been submitted and funded for eight projects, three of which were new projects that increase the capacity of the shelters and allow the community to provide transitional and/or permanent housing to individuals. On December 12, 2006, Mr. Hencin discussed Tallahassee's HOPE Community and reported on the current status of the short-and long-run plans to address different needs of the homeless in one location, including the currently issued RFP for a One-Stop Homeless Assistance Center. The Community Development Committee requested that staff include the information on Tallahassee's HOPE facility as backup for general implementation for the Commission, as this item goes to the City Commission for removal from the referral list.

Fiscal Note: Funds are budgeted by the City and County for a One-Stop Homeless Assistance Center.

RECOMMENDATION

Community Development Committee to the City Commission: Remove this item from the referral list.

Legislative History

7/12/04	City Commission	Referred (7 - 0)	Community Development Committee
8/5/04	Community Development Committee	Approved as Recommended	
11/4/04	Community Development Committee	Approved as Recommended	
12/6/04	Community Development Committee	Continued	
1/6/05	Community Development Committee	Approved as Recommended	
7/14/05	Community Development Committee	Approved as Recommended	
2/2/06	Community Development Committee	Approved as Recommended	
9/18/06	Community Development Committee	Continued	
12/12/06	Community Development Committee	Approved as Recommended	
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040187**Community Wide Plan to End Homelessness (NB)**

This item was referred to the Community Development Committee on January 12, 2004 to address the community-wide plan to end homelessness and comprehensive homeless shelter facilities. This item is related to Legislative Item No. 040186 - Comprehensive Homeless Shelter Facilities.

Explanation: This item was referred to the Community Development Committee on January 12, 2004. The Committee discussed this item on August 5, 2004, January 6, 2005, July 14, 2005, and February 2, 2006. On December 12, 2006, Jim Hencin, Block Grant Manager, reported to the Committee that the City Commission had received a report regarding criteria for selecting potential sites for a One-Stop Homeless Assistance Center. To date, the 10-Year Plan has been presented to the City/County Commissions and recommendations were brought forward to the implementation committees. They are: 1) creating an Office on Homelessness (completed); 2) establishing an interlocal agreement between the City, County and Alachua County Housing Authority (completed); and 3) the issuance of an RFP to create a One-Stop Homelessness Assistance Center. The due date for proposals to create a One-Stop Homelessness Assistance Center was January 12, 2007. When the proposals are received, they will be reviewed

and recommendations submitted to the City and County Commissions at a joint meeting on January 29, 2007. The One-Stop Homeless Assistance Center should be in place during 2007.

Fiscal Note: Funds are budgeted by the City and County Commissions.

RECOMMENDATION

Community Development Committee to the City Commission: Remove this item from the referral list.

Legislative History

7/12/04	City Commission	Referred (7 - 0)	Community Development Committee
8/5/04	Community Development Committee	Approved as Recommended	
9/13/04	City Commission	Continued (6 - 0 - 1 Absent)	
10/11/04	City Commission	Approved, as shown above - See Motion(s)	
10/11/04	City Commission	Referred	Community Development Committee
10/11/04	City Commission	Referred	City Manager
11/4/04	Community Development Committee	Continued	
11/15/04	Community Development Committee	Continued	
11/22/04	City Commission	Heard	
1/6/05	Community Development Committee	Approved as Recommended	
1/10/05	City Commission	Approved, as shown above - See Motion(s) (7 - 0)	
1/24/05	City Commission	Approved as Recommended (7 - 0)	
2/14/05	City Commission	Approved as Recommended (4 - 3)	
2/28/05	City Commission	Approved as Recommended (7 - 0)	
7/14/05	Community Development Committee	Approved as Recommended	
2/2/06	Community Development Committee	Approved as Recommended	
9/18/06	Community Development Committee	Continued	
12/12/06	Community Development Committee	Approved as Recommended	

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PUBLIC SAFETY COMMITTEE, CONSENT

060242.**Roam Towing Safety Issues (B)**

The Public Safety Committee discussed the referral multiple times and recommended to remove this item from the referral list.

Explanation: Gainesville Police Department Staff updated the Committee on the methods used to get the towing information out to the public using GPD's Police Beat, the Gainesville Sun, Gator Boosters, UF Student Services, GRU's billing system, and SFCC student emails. Staff estimates that the towing information has reached a soft estimate of 640,000 citizens, tying to Gator football and reissuing the towing information each game day. Staff will track the differences between this year and next year to determine if the efforts have made an impact.

Fiscal Note: There was no fiscal impact for these efforts.

RECOMMENDATION

The Public Safety Committee is recommending that the City Commission accept staff's report and remove this item from the Committee's referral list.

Legislative History

7/10/06	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
7/10/06	City Commission	Referred	City Manager
8/17/06	Public Safety Committee	Discussed	
9/11/06	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
12/21/06	Public Safety Committee	Discussed	

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

The Public Safety Committee discussed the referral several times and recommended to remove this item from the referral list.

Explanation: At the request of the City Commission, the Public Safety Committee discussed the issue of enforcing the recently passed City Ordinance, 0-06-02, regarding Single Family Neighborhood Issues - Yard Parking Enforcement. The Gainesville Police Department and Codes Enforcement have been working together for the past several months to determine a way to resolve the issue of yard parking. Together they have developed an Intranet form that enables police officers who observe a violation to pass that information directly to Codes Enforcement. After the incident and based on GPD's observation, Codes Enforcement will investigate and take appropriate action. All GPD officers are receiving training on reporting yard parking violations to Codes Enforcement personnel. Any resulting action by Codes Enforcement will result in points levied against the landlord's license.

Fiscal Note: None

RECOMMENDATION

The Public Safety Committee is recommending that the City Commission accept staff's report and remove this item from the Committee's referral list.

Legislative History

9/21/06	Public Safety Committee	Discussed
10/23/06	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
12/21/06	Public Safety Committee	Discussed

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COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****060867.****Master Calendar 2007 (B)****RECOMMENDATION**

The City Commission approve the 2007 Master Calendar with the following recommendations:

- 1) Cancel May 28, 2007 City Commission meeting (Memorial Day)*
- 2) Cancel December 24, 2007 City Commission meeting (Christmas Eve)*
- 3) Consider 2-day Goal Setting Retreat Friday and Saturday in Fall 2007*
 - November 16/November 17*
 - November 30/December 1*
- 4) Approve all budget sessions as listed.*

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CITY MANAGER**060854.****Healthy City, Healthy Region: An Update - Ten Years Later - January**

2007 (B)

This item involves a presentation by David Rusk, that is an update on his previous report entitled "Healthy City, Healthy Region". The report provides an assessment and recommendations on regional planning and housing policy for the City of Gainesville as relates to Alachua County.

Explanation: In 1997, David Rusk made a presentation to the Gainesville City Commission, Alachua County Commission and various other entities relating to regional planning issues and housing policy. This presentation provides a long term review of issues relating to regional planning and associated housing policy through the years. Included are assessments and/or recommendations relating to land use, economic and educational trends, annexation, land use planning, mixed income housing policies, and other observations. The City's Annexation Team has been instrumental in the development and implementation of this update.

Fiscal Note: Funding of \$7,500.00 + expenses for this report is being paid from City Manager Contingency Account.

RECOMMENDATION

Recommended Motion: The City Commission hear a presentation on the update report by David Rusk entitled "Healthy City, Healthy Region, An Update Ten Years Later (January 2007)" and refer this report to the Community Development Committee.

Alternative Recommendation A: The City Commission not hear the report but refer it to the Community Development Committee for consideration.

Alternative Recommendation B: The City Commission receive and file the report.

060854_200701221300.pdf

060852.**General Government Capital Improvements Program (B)**

This presentation shows the various components of the City's web-based Capital Improvement Program.

Explanation: During 2006, a city Capital Improvements Team developed a web-based Capital Improvement Program that is located on the city's web page and allows public information on the status of the City's various capital projects. Included are maps depicting the location of the projects, information and pictures on each project and its status, including the related funding sources.

Fiscal Note: None

RECOMMENDATION

Recommended Motion: The City Commission hear a presentation on the new web-based Capital Improvements Program.

Alternative Recommendation: The City Commission

not hear the presentation on the new web-based Capital Improvements Program and review the program on the Internet at their leisure.

060852_200701221300.pdf

060860.

Interlocal Agreement for the Academy of Business Ownership at Loften High School (B)

This item introduces an Interlocal Agreement designed to institutionalize the relationship between Alachua County, the City of Gainesville, and School Board of Alachua County's implementation of the Academy of Business Ownership at Loften High School. The City's responsibilities are to provide funding for a future business loan fund for graduates of the Academy to establish businesses in Alachua County and for associated mentoring services by a third party provider.

Explanation: In March, 2004, a presentation was made to the City Commission by County Commissioner Rodney Long and various community "Champions" on proposed plans for future development of an Entrepreneurial Charter School. At that time, the City Commission directed staff to include an allocation of \$50,000 in the upcoming budget cycle (\$25,000 per year in FY 05 and FY 06) with an understanding that future allocations to total \$100,000 would be forthcoming in subsequent fiscal years. A similar \$50,000 allocation was provided in the following two year budget cycle (\$25,000 in FY 07 and FY 08).

These funds would be a public contribution (in combination with similarly allocated Alachua County funds) to an Entrepreneur Economic Development Trust Fund and be matched by \$300,000 in private funds to be raised at a future date. The Fund's proceeds would be utilized to provide future development loan assistance to graduates of the Entrepreneurial Charter School in combination with US Small Business Administration funding.

Subsequently, in November, 2004 a follow up presentation on this concept was made to the City Commission with a request from County Commissioner Long for additional funding to provide mentoring services for those participants in the program. The City Commission directed that funding from City Commission contingency in the amount of \$11,075 be provided contingent upon Alachua County providing a similar level of funding.

Currently, this program is being implemented as the Academy of Business Ownership at Loften High School. Plans for this year include marketing of the program; establishment of a not for profit entity that will assist in shaping the Academy of Business Ownership into a Charter School and providing administrative services regarding the business development loan fund; and, private sector fund raising to match the City and County financial contribution. It is not expected that loan funds would be actually utilized by prospective participants for the next several years.

In addition, Sections 2.a., 3.a. and 7 of the Interlocal Agreement contemplate further action (including agreements) by the parties to develop the requirements

and mechanism for providing the funding to Academy graduates to establish businesses within Alachua County. The City Attorney's office has indicated that as the parties to the Interlocal move forward in developing the requirements and mechanism for the "business loan fund" program, that the program be reviewed by the City Attorney's office to determine that the program is within the powers of the City pursuant to Section 166.021(19) to expend public funds to attract and retain business enterprises and that it does not violate Article VII, Section 10 of the State Constitution which prohibits lending public funds for private purposes.

Fiscal Note: As mentioned, the City has allocated \$25,000 a year towards this effort per Commission direction in Fiscal Years 05 - 08 for a total of \$100,000. These funds were placed within the Economic Development Department's budget. In addition, the City's contribution of \$11,075 from City Commission contingency was placed within the City of Gainesville's Economic Development Department budget in November, 2004. Staff has been awaiting an Inter-local agreement governing the allocation of these funds.

In addition, the recent decision by the City Commission to fund the East Gainesville Development Corporation for economic development services with the FY 07 allocation will mean that an additional \$25,000 will need to be identified, potentially in FY 09.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff; 2) approve the Inter-Local agreement and the provision of additional funding; and 3) authorize the Mayor to execute the Interlocal Agreement on behalf of the City Commission.

Alternate Recommendation A:

The City Commission: 1) hear a brief presentation from staff; 2) direct staff to approve the agreement with stated modifications; and 3) authorize the Mayor to execute the Interlocal Agreement on behalf of the City Commission.

Alternate Recommendation B:

The City Commission: 1) deny the proposed agreement.

060860_200701221300.pdf

GENERAL MANAGER FOR UTILITIES

060870.

Central Utility Plant to Support the New Shands Hospital Complex (B)

GRU has been selected by Shands Teaching Hospital and Clinics, Inc. (Shands) to design, finance, construct, own and operate a central utility plant on a portion of the new Shands medical complex. The Central Utility Plant (CUP) will efficiently provide chilled water, process steam, emergency and standby power generation, and medical gases to serve the first hospital tower and will be expanded to serve future phases of the project. Staff

recommends approval of a Memorandum of Understanding (MOU) with Shands to allow design and equipment procurement to proceed, authorize funding for GRU's Engineer, Procure, Construct, (EPC) contractor to provide design services, and to authorize the Interim General Manager to negotiate and execute final agreements and procurement contracts to complete the project.

Explanation: Shands is developing a new hospital complex south of its existing facility on Archer Road. The Utility responded to a Request for Qualifications (RFQ) / Request for Proposals (RFP) issued by Shands for a long-term agreement to become the utility provider, to design, finance, construct, own, operate and maintain a CUP plant on a portion of the new Shands campus for a 50 year term. The proposed CUP will provide emergency/stand-by power, chilled water, steam, and facilities for medical gases to support Shands' currently proposed and anticipated future expansions on the new hospital complex campus. The services required by this agreement are anticipated to be required by the end of 2008.

On August 29, 2006, the Commission awarded a contract to Burns & McDonnell for EPC engineering services for Phase 1, which included preliminary design development and proposal development services in an amount not-to-exceed \$250,000. Those services included preliminary design sufficient to develop cost estimates for several project alternatives and assisting in the development of pricing strategies to support the Utility's proposal to Shands. At that time staff indicated if the Utility was selected as the long term energy partner for Shands, staff would seek approval from the City Commission to enter into another agreement with the same EPC firm (Burns & McDonnell) for services required for additional phases of the project.

The Utility was notified on November 18, 2006 that it was selected to serve as Shands' long term energy partner. Staff's proposal was to enter an open-book partnership with pre-arranged capital, operation, and maintenance mark-ups, performance guarantees, and budgetary gain-sharing as described in the attached transmittal letter from the Interim General Manager dated October 5, 2006. Part of the proposal was to provide retail electric services on the new medical campus at the most favorable rates enjoyed by other, similarly situated retail electric customers. One design option that will be evaluated is to incorporate distributed generation to allow chilled water and steam to be made from waste heat. The estimated initial capital cost for the CPU is \$25 to \$35 million depending upon whether or not the combined heat and power option is selected.

The MOU with Shands has been negotiated and will form the basis for developing and negotiating the final agreements. These agreements are rather involved and are expected to take 2 to 3 months to develop and negotiate. In order to meet Shands' schedule requirements it may be necessary to order critical pieces of equipment and material before these final agreements are likely to be in place. The procurement process will be by the EPC contractor with oversight by GRU's Division of Purchasing. All State laws, City policies and GRU procedures regarding procurement shall be followed. The MOU is binding in that should the final agreements not be successfully negotiated, Shands will reimburse GRU for any funds expended on their behalf.

Fiscal Note: The proposal mitigates GRU's financial risks in that all costs are passed through with pre-arranged mark-ups. GRU does assume financial risks should the facility not be operated efficiently or if budget targets are not met. The CUP design is currently estimated to cost \$25 million to construct the first phase in exchange for which GRU is estimated to receive in excess of \$7 million of fees per year for capital recovery, operation and maintenance, electricity, water, and natural gas. A budget amendment may be required to accommodate the financial and staffing needs of the project. Margins have been set to assure that the utility earns a 14% internal rate of return and a 16% markup on variable operating costs, after the application of usual and customary overhead margins. A combined heat and power design could cost up to \$35 million but would earn similar rates of return after adjusting for the value of the additional base load capacity that would be added to the utilities generation fleet.

RECOMMENDATION

The City Commission: 1) receive a presentation from staff summarizing the proposed project; 2) approve a MOU with Shands substantially in the form as attached and subject to approval as to form and legality by the City Attorney; 3) authorize the Interim General Manager or her designee to execute a change order to the existing Shands project development task agreement with Burns & McDonnell, Inc. for an additional amount not to exceed \$300,000 to allow design development to proceed pending the execution of final agreements; 4) authorize the Interim General Manager or her designee to negotiate and execute contracts and/or issue purchase orders for procurement of long lead time items and other GRU direct equipment and services purchases such as electrical switch gear, engine generators, gas turbines, structural steel, and pre-cast concrete, subject to approval by the City Attorney as to form and legality; and 5) authorize the Interim General Manager or her designee to negotiate and execute final agreements with Shands and Burns & McDonnell, Inc. for the design, finance, construction, operation, maintenance and future expansion of the CUP required to serve the new medical complex at an initial cost not to exceed \$35 million and for a term of 50 years, subject to approval by the City Attorney as to form and legality.

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CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

060865.**2007 Affirmative Action Plan (B)**

Explanation: The City of Gainesville developed a voluntary Affirmative Action Plan utilizing guidelines established for federal contractors by the Office of Federal Contract Compliance Programs (OFCCP) as a model in 1996 and has implemented such a plan continuously since then. The City Commission approved the City's current Affirmative Action Policy in July 1999. The City's Charter Officers have the overall responsibility for implementing the Affirmative Action Policy. The Equal Opportunity Director's duties include presenting the Affirmative Action Plan to the City Commission and providing reports on progress made.

Fiscal Note: None at this time.

RECOMMENDATION

Hear a presentation from staff on the 2007 Affirmative Action Plan.

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060865a_20070122.pdf

COMMITTEE REPORTS (PULLED FROM CONSENT)**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****060885.****Crime Rate in Gainesville (NB)****RECOMMENDATION**

The City Commission hear a report on the crime rate in Gainesville, Florida.

COMMISSION COMMENTS (if time available)**RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****CUB SCOUTS, PACK 127**

Todd Yurchisin - Cub Master

PROCLAMATIONS/SPECIAL RECOGNITIONS**060871.****Nina Cameron Day - January 23, 2007 (B)**

RECOMMENDATION *Gainesville's Cultural and Arts contributor Nina Cameron to accept the proclamation.*

0600871_200701221300.pdf

060874.**Gainesville Chamber Orchestra Day - January 23, 2007 (B)**

RECOMMENDATION *Gainesville Chamber Orchestra representative Elizabeth Sugalski to accept the proclamation.*

0600874_200701221300.pdf

060875.**School Crossing Guard Appreciation Day - February 2, 2007 (B)**

RECOMMENDATION *Gainesville Police Department Chief Normon B. Botsford and Police Service Technician Supervisor Ernestine Fletcher to accept the proclamation.*

0600875_200701221300.pdf

060876.**Separation of Church and State Week - January 21-27, 2007 (B)**

RECOMMENDATION *Humanist Society of Gainesville President Louis Clark and Webmaster Mark Mayfield to accept the proclamation.*

060877.**Non-Native Invasive Plant Awareness Week - January 22-27, 2007 (B)**

RECOMMENDATION *UF/IFAS & Alachua County Cooperative Extension Service Environmental Horticulture Agent Wendy L. Wilbur to accept the proclamation.*

0600877_200701221300.pdf

060881.**Hazardous Materials Awareness Week - January 21-27, 2007 (B)**

RECOMMENDATION *Local Emergency Planning Committee Director Dwayne Mundy to accept the proclamation.*

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

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

060300.

**URBAN SERVICES REPORT - CITY-OWNED PROPERTY -
KANAPAHA AREA (B)**

Ordinance 0-06-99

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 owned by the City of Gainesville and comprised of Tax Parcels 06909-000-000, 06842-001-000, 06844-000-001, 06846-000-000, 06847-000-000, 06848-000-000, a portion of 06845-000-000, and a portion of 06837-000-000, generally located south of the City Limits, Kanapaha Lake and the vicinity of SW 24th Avenue, west of Kanapaha Lake and the vicinity of Interstate 75, north of the vicinity of SW Archer Road and east of the vicinity of SW 75th Street/Tower Road; 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.

It is common practice for the City to annex city-owned property as soon as possible once it meets the requirements for annexation.

If adopted on first reading, this ordinance shall be heard on second reading on February 12, 2007. 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)

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060663.

URBAN SERVICES REPORT - CHILI'S BAR & GRILL (B)

Ordinance 0-06-127

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 Parcel 06810-001-008, generally located south of Tax Parcels 06810-001-016 and 06810-001-000, west of Tax Parcel 06810-001-017, north of the City Limits and Archer Road, and east of SW 35th Boulevard; 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 February 12, 2007. 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

11/13/06 City Commission Approved as Recommended (4 - 0 - 3 Absent)

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060730.**VOLUNTARY ANNEXATION - SCHROEDER (B)****Ordinance No. 0-06-129**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprising tax parcels 06706-044-000 and 06706-045-000, as more specifically described in this ordinance, 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; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, September 11, 2006, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On October 23, 2006 and November 13, 2006, the City Commission held advertised public hearings and adopted the corrective Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

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

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

If adopted on first reading, the second and final reading of this ordinance will be February 12, 2007. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

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060731.

VOLUNTARY ANNEXATION - LANDMAR AND GRU DEERHAVEN PROPERTIES (B)

Ordinance No. 0-06-130

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprising 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, as more specifically described in this ordinance, 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; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, September 11, 2006, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signatures of the owners of the properties that are the subject of this annexation. On October 23, 2006 and November 13, 2006, the City Commission held advertised public hearings and adopted the corrective Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

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

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

If adopted on first reading, the second and final reading of this ordinance will

be February 12, 2007. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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060493.

STREET VACATION - VICINITY OF NE 12TH AVENUE AND WALDO ROAD (B)

Ordinance No. 0-06-124, Petition 127SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Northeast 12th Avenue located in the vicinity between the east right-of-way line of Waldo road and the west boundary of the Cedar Grove Residential Subdivision, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

The Wal-Mart Supercenter project 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 and Northeast 19th Terrace 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 final 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. At this point the Development Review Board has approved the preliminary site plan.

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 on September 21, 2006 and approved the petition by a 3-1 vote.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of October 23, 2006, approved Petition 127SVA-06 PB with conditions and authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement is included in the backup. Please note that the terms of the Agreement were the subject of negotiation with the applicant and in some respects may vary from the conditions approved at the petition hearing.

RECOMMENDATION

The City Commission (1) adopt the proposed ordinance, and (2) approve and authorize the City Manager to execute the Vacation of Right of Way Agreement subject to the approval of the City Attorney.

Legislative History

10/23/06 City Commission Approved (Petition) with Conditions, As Modified (7 - 0)

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060703.

STREET VACATION – BETWEEN SOUTHEAST 3RD AVENUE AND SOUTHEAST 4TH AVENUE AND SOUTHEAST 14TH STREET AND SOUTHEAST 15TH STREET (B)

Ordinance No. 0-06-135, Petition 19SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of an alley located between Southeast 3rd Avenue and Southeast 4th Avenue and between Southeast 14th Street and Southeast 15th Street, as more specifically described in this Ordinance; reserving a public and private utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: **COMMUNITY DEVELOPMENT STAFF REPORT**

The purpose of this request is to vacate a portion of right-of-way running from Southeast 14th Street to Southeast 15th Street, north of Southeast 4th Avenue. The approximately 0.13 acre right-of-way to be vacated was platted as 15 feet wide per the Williams Subdivision, Plat Book "D", page 1 of the Public Records of Alachua County, Florida. The alley is not paved and at times is overgrown with vegetation. The adjacent property owners have had to maintain the alley and would like to gain the property. The right-of-way property is an unimproved "paper street." There is no physical access to the alley and it serves no public use.

Public notice was published in the Gainesville Sun on October 3, 2006. Letters were mailed to surrounding property owners on October 4, 2006. The Plan Board held a public hearing October 19, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/27/06 City Commission Approved (Petition) (7 - 0)

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060829.

GENERAL EMPLOYEES PENSION PLAN - MILITARY BUY-BACK (B)

Ordinance No. 0-06-30

An ordinance of the City of Gainesville, Florida, related to prior military service; creating subsection (k) of Section 2-523, to allow purchase of credited service attributable to military service prior to employment; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its meeting on January 8, 2007, authorized the City Attorney to draft and the Clerk of the Commission to advertise the "military buy-back" changes embodied in this ordinance. These changes have been ratified by the CWA and agreed to by the ATU bargaining representative. Basically, the changes will allow members to, under certain conditions, "purchase" credited service in the General Employees Pension Plan based upon service in the military prior to initial employment with the City. Many public sector retirement systems have similar provisions.

The salient features of this amendment are as follows: The members are required to pay the full actuarially established cost of adding additional credited service to the years of service that will be used to calculate the members' pension benefit from the General Pension Plan. These funds can come from various sources. There are administrative provisions describing how and when purchase of service can be made, that the maximum amount of service that can be purchased is 4 years, and that purchases can only be made by individuals who are already vested, purchased service can only be actually applied (added) to earned credited service after the member is otherwise eligible for normal retirement or has reached age of 55, except members who were almost eligible for retirement at the time of their death. In this latter case, special arrangements may be made to purchase up to 4 years of military service, if such would result in the member's beneficiary being eligible for a pension benefit. Should the member have purchased service prior to such time and separated from employment prior to becoming eligible for normal retirement or reaching age 55, the monies paid are returned without interest and no "military service" is provided.

Members may not obtain a benefit based upon purchased military service if the same such service is utilized in calculating another governmental retirement benefit, except a military retirement based in part on service in the reserves.

This ordinance requires two public hearings. If the ordinance passes on first reading, second and final reading will be held on February 12, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/8/07 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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060863.

DISABILITY PENSION PLAN (B)

Ordinance No. 0-06-138

An ordinance of the City of Gainesville, Florida, amending Division 6 of Chapter 2 of the Code of Ordinances relating to the Disability Pension Plan, relating to definitions, penalties for fraud and deceit, administration, eligibility, benefits, amount of and limitations on and termination of payments, and medical examinations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its meeting on January 8, 2007, authorized the City Attorney to draft and the Clerk of the Commission to advertise the "disability pension plan" changes embodied in this ordinance. These changes have been ratified by the CWA and agreed to by the ATU bargaining representative. Many of these changes are similar to current provisions in other retirement or benefit systems. The general purpose of these amendments is to improve administration and curb abuses while increasing benefits where warranted. With the foregoing in mind, a section by section analysis follows:

Section 1 incorporates concepts utilized in the current Worker's Compensation system, which should make administration of the Plan more familiar to claimants and administrators.

Section 2 of the ordinance provides for enhanced penalties against those who would seek to defraud the system.

Sections 3, 5 and 11 describe management's authority to administer the Plan.

Section 4 generally increases the amount of time an employee must work for the City before they become eligible for a disability benefit (lifetime) for a disability suffered off the job. In recent years an increasing number of very short service employees have claimed entitlement to disability benefits based upon an alleged injury incurred other than while at work.

Section 6 clarifies that if an employee is eligible for a normal retirement based solely on years of service, i.e., twenty (20) years, they are not also eligible for a

disability benefit.

Section 7 defines disability in a fashion similar to what is currently provided for under the Worker's Compensation law. It requires proof as to the timing, cause, and "permanency" of the claimed disability, as well as describing the relevant evidence and procedures utilized to determine the merits of the claim.

Section 8 increases the minimum benefit available for line of duty disabilities and lowers the minimum benefit available for other than in line of duty disabilities. Either benefit may be reduced by a portion of City retirement or Social Security disability benefits the employee is receiving or, in the latter case, could readily receive. The maximum dollar amount of disability benefit that can be received is substantially increased, to the extent it is not offset by Worker's Compensation benefits paid by the City.

Section 9 precludes payment of disability benefits for certain causes, including pre-employment conditions or situations in which the applicant makes false representations in regard to prior conditions or injuries.

Section 10 provides for termination or reduction of a disability pension in the event the pensioner recovers in whole or in part from the disability to the extent they may be re-employed by the City, no longer suffer from the "disabling" condition, or the pensioner's then current earnings have become substantial enough to warrant a partial reduction in the disability benefit. This latter case still, however, results in the pensioner receiving higher total income than that initially attributable solely to the disability pension.

This ordinance requires two public hearings. If the ordinance passes on first reading, second and final reading will be held on February 12, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

060863_200701221300.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

060412.

LAND USE CHANGE - HUNTERS WALK (B)

Ordinance No. 0-06-102; Petition 75LUC-06 PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the "Planned Use District" category over certain property, as more specifically described in this ordinance, with the underlying reversionary future land use category of "SF (Single family, up to 8 dwelling units per acre)," located in the vicinity of 5043 Northwest 43rd Street; providing a severability clause; providing a repealing clause; and providing an effective date.

.recommendation

The City Commission adopt the proposed ordinance.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This is a petition for a land use change from SF (Single-family, up to eight dwelling units per acre) to PUD (Planned Use District) on approximately 4.91 acres of land located at 5043 Northwest 43rd Street. This petition is submitted concurrently with a Planned Development (PD) rezoning application that proposes a commercial development and associated facilities. The land use change is intended to allow the requested mix of residential and nonresidential uses and unique design features otherwise not allowed in the underlying land use category. Staff has determined the proposed land use change is consistent with surrounding land uses.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. On August 17, 2006, the Plan Board heard and recommended the City Commission approve this petition. The City Commission heard and approved the petition on September 11, 2006.

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.

The City Commission adopted this ordinance on first reading December 11, 2006, and continued second reading to January 22, 2007. The ordinance was advertised accordingly.

Fiscal Note: None

Legislative History

9/11/06	City Commission	Approved (Petition) as Modified (7 - 0)
12/11/06	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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060413.**HUNTERS WALK PLANNED DEVELOPMENT (QUASI-JUDICIAL) (B)****Ordinance No. 0-06-103; Petition 76PVD-06 PB****An Ordinance of the City of Gainesville, Florida; rezoning certain lands in**

the City, as more specifically described in this Ordinance, and amending the Zoning Map Atlas from the zoning category of “RSF-4: Single family residential district (8 units per acre)” to “PD (Planned Development)” located in the vicinity of 5043 Northwest 43rd Street; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This is a request to rezone approximately 4.91 acres from RSF-4 (Single-family residential district, eight dwelling units per acre) to PD (Planned Development) to allow for a commercial development and associated facilities located at 5043 Northwest 43rd Street. This rezoning will enable implementation of unique design criteria that will address size, scale, parking and other complexities best accomplished through a Planned Development.

The subject parcel was reviewed by the City Commission as a Planned Development several years ago but was not approved. The current petition includes a smaller acreage, less intense development, a different range of uses and an option for multi-family residential. The City Plan Board heard the petition and addressed issues related to building placement in relationship to Northwest 43rd Street. The applicant proposed modifications to staff conditions related to access, signage and allowed uses. There were no neighborhood residents in attendance.

The City Plan Board recommended approval with modifications to staff conditions related to allowed uses, cross-access agreements, signage and clarification on square footage to mean gross floor areas, defined in the City of Gainesville Land Development Code.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. On August 17, 2006, the Plan Board heard and recommended the City Commission approve this petition. The City Commission heard and approved this petition on September 11, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission adopted this ordinance on first reading December 11, 2006, and continued second reading to January 22, 2007. The ordinance was readvertised accordingly.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/11/06	City Commission	Approved (Petition) as Modified (7 - 0)
12/11/06	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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060599.

**COLLEGE PARK SPECIAL AREA PLAN – 1823 NW 5th AVENUE
(QUASI-JUDICIAL) (B)**

Ordinance No. 0-06-131, Petition No. 144ZON-06PB

An Ordinance of the City of Gainesville, Florida, amending the College Park Special Area Plan as codified in Appendix A, Section 3 of the Land Development Code, by rezoning and incorporating a specific change from Type III (House) to Type IV (Civic) on tax parcel 14931-000-000, located in the vicinity of 1823 Northwest 5th Avenue, and as more specifically described in this Ordinance; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

First Lutheran Church of Gainesville is located on the south side of the 1800 block of Northwest 5th Avenue, between Northwest 17th Street and Northwest 19th Street. The church site consists of four contiguous tax parcels. Two of the tax parcels have a Type IV - Civic designation, which allows administrative or legislative government offices, schools and places of religious assembly. The two remaining tax parcels located at 1823 Northwest 5th Avenue and 1726 Northwest 3rd Place have a Type III – House designation, which allows houses.

First Lutheran Church of Gainesville is requesting approval of the above-referenced petitions so that the tax parcels located at 1823 Northwest 5th Avenue and 1726 Northwest 3rd Place can be used for religious assembly, as allowed under the College Park Special Area Plan Type IV – Civic designation. The primary buildings, including the church, are located on the two tax parcels that currently have a Type IV – Civic designation. The tax parcel located at 1726 Northwest 3rd Place is occupied by a one-story building used as the church parsonage. The tax parcel located at 1823 Northwest 5th Avenue is occupied by an apartment building that is currently being demolished. The church would like to construct a building addition for pre-school and after-school programs on this tax parcel in the future.

The underlying zoning designation on three of the tax parcels is RMF-6. This zoning designation allows private schools and places of religious assembly on sites less than 20 acres by special use permit, provided the requirements and conditions of Article VI of the City Land Development Code are met. The tax parcel located at 1726 Northwest 3rd Place is zoned RMU, which allows civic

buildings by right in accordance with a special area plan (Article V).

Approval of these petitions is supported by the fact that First Lutheran Church of Gainesville is located within a predominantly residential neighborhood, which would be protected by the requirements of the College Park Special Area Plan and underlying zoning districts applied to the church site. These requirements include building setbacks, height and use restrictions, landscaping, architectural standards and other criteria that may be deemed necessary to ensure compatibility with the surrounding area. These petitions are also consistent with one of the key purposes of the College Park Special Area Plan and underlying zoning districts, which is the provision of basic needs (e.g., religious assembly and education) within close proximity of residential areas to reduce the number of vehicular trips.

Public notice was published in the Gainesville Sun on October 3, 2006. Letters were mailed to surrounding property owners on October 4, 2006. The Plan Board held a public hearing October 19, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 144ZON-06 PB. Plan Board vote 7-0.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/8/07 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

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060600.

**COLLEGE PARK SPECIAL AREA PLAN – 1726 NW 3RD PLACE
(QUASI-JUDICIAL)(B)**

Ordinance No. 0-06-132, Petition No. 145ZON-06PB

An Ordinance of the City of Gainesville, Florida, amending the College Park Special Area Plan as codified in Appendix A, Section 3 of the Land Development Code, by rezoning and incorporating a specific change from Type III (House) to Type IV (Civic) on tax parcel 14934-000-000, located in the vicinity of 1726 Northwest 3rd Place, and as more specifically described in this Ordinance; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: **COMMUNITY DEVELOPMENT STAFF MEMORANDUM**

First Lutheran Church of Gainesville is located on the south side of the 1800 block of Northwest 5th Avenue, between Northwest 17th Street and Northwest 19th Street. The church site consists of four contiguous tax parcels. Two of the tax parcels have a Type IV - Civic designation, which allows administrative or legislative government offices, schools and places of religious assembly. The two remaining tax parcels located at 1823 Northwest 5th Avenue and 1726 Northwest 3rd Place have a Type III – House designation, which allows houses.

First Lutheran Church of Gainesville is requesting approval of the above-referenced petitions so that the tax parcels located at 1823 Northwest 5th Avenue and 1726 Northwest 3rd Place can be used for religious assembly, as allowed under the College Park Special Area Plan Type IV – Civic designation. The primary buildings, including the church, are located on the two tax parcels that currently have a Type IV – Civic designation. The tax parcel located at 1726 Northwest 3rd Place is occupied by a one-story building used as the church parsonage. The tax parcel located at 1823 Northwest 5th Avenue is occupied by an apartment building that is currently being demolished. The church would like to construct a building addition for pre-school and after-school programs on this tax parcel in the future.

The underlying zoning designation on three of the tax parcels is RMF-6. This zoning designation allows private schools and places of religious assembly on sites less than 20 acres by special use permit, provided the requirements and conditions of Article VI of the City Land Development Code are met. The tax parcel located at 1726 Northwest 3rd Place is zoned RMU, which allows civic buildings by right in accordance with a special area plan (Article V).

Approval of these petitions is supported by the fact that First Lutheran Church of Gainesville is located within a predominantly residential neighborhood, which would be protected by the requirements of the College Park Special Area Plan and underlying zoning districts applied to the church site. These requirements include building setbacks, height and use restrictions, landscaping, architectural standards and other criteria that may be deemed necessary to ensure compatibility with the surrounding area. These petitions are also consistent with one of the key purposes of the College Park Special Area Plan and underlying zoning districts, which is the provision of basic needs (e.g., religious assembly and education) within close proximity of residential areas to reduce the number of vehicular trips.

Public notice was published in the Gainesville Sun on October 3, 2006. Letters were mailed to surrounding property owners on October 4, 2006. The Plan Board held a public hearing October 19, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 145ZON-06 PB. Plan Board vote 7-0.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

1/8/07 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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RESOLUTIONS- ROLL CALL REQUIRED

060820.

Amended Interlocal Agreement - First Florida Governmental Financing Commission (B)

This item involves a proposal to adopt a resolution amending the existing interlocal agreement among the members of the First Florida Governmental Financing Commission.

Explanation: The City of Gainesville has been a member of the First Florida Governmental Financing Commission (FFGFC) since 1987. The Commission is an independent public body formed in 1985 by an Interlocal Agreement between several Florida cities and counties with high investment grade ratings who desired to reduce the cost of borrowing by creating their own, captive pool financing program. Since then, the Commission has provided the City many opportunities to borrow money jointly with other governmental bodies which have similar, high credit ratings and save money by spreading the costs of issuing debt across all the borrowers. Each Member is responsible only for that portion of the proceeds of each series of bonds issued by the Commission which the Member in turn borrows from the Commission for the Member's own use. There is no cross-collateralization of Member loans.

The current Members of the Commission are the Cities of Boca Raton, Gainesville, Hollywood, St. Petersburg, Sarasota and Broward County, Florida. The Commission is governed by a board of Representatives, one appointed by each Member. Finance Director Mark Benton currently serves as the Representative of the City.

For several years, the Commission has discussed expanding the number of borrowers to include cities and counties who are not Members in order to share the benefits of the program with other local governments and expand the size of borrowings to enhance the economies of scale which led to the formation of the Commission in the first place. At a long range planning retreat held in the spring of 2006, the Commission unanimously decided to attempt to modernize its Interlocal Agreement to permit loans to be made to non-members and simplify its operations. Commission staff was directed to work with its Bond Counsel, General Counsel and Financial Advisor to develop and propose an Amended and Restated Interlocal Agreement for consideration. As a result of that process, in its regular meeting held September 15, 2006, the Commission Board unanimously approved the Amended and Restated Interlocal Agreement included in this package.

To become effective, the Amended and Restated Interlocal Agreement must be approved by every current Member of the Commission, and similar packages are simultaneously being presented by every Representative to the governing body of their respective Member.

Proposed Changes

Attached for your review and consideration are the following:

- 1. Amended and Restated Interlocal Agreement (proposed).*
- 2. Draft credit-worthiness standard for non-member borrowers as recommended by the Commission's Financial Advisor and Executive Director for adoption as*

a rule.

3. *Resolution approving Amended and Restated Interlocal.*

A brief summary of the major elements of the Interlocal Agreement affected by the proposed amendments follows:

1. *Eligibility in the Commission's financing program no longer requires a borrower to*

be a Member of the Commission. The credit worthiness standards for non-member borrowers will be established by Commission rule (see separate attachment). Admitting a new Member will continue to require unanimous consents from all existing Members resulting in an amendment to the

Interlocal

Agreement. Membership is limited to city and county governments.

2. *Member's Representatives are authorized to approve loans to non-member governments upon the unanimous approval of those Member*

Representatives

present at a meeting authorizing the issuance of Commission bonds at which a

quorum is present. Loans to a Member can be approved by a majority vote of a

quorum of Member Representatives.

3. *Subject to State statutory requirements, the Commission would be authorized to*

make loans to qualified special districts and other public agencies as non-member

borrowers. Current State law would require the Commission to have at least three

county government members in order to make a loan to a public agency other than

a city or county.

4. *As a going concern, the Commission requires at least three Members to maintain*

appointed Representatives to its governing board in order to function.

5. *Under new State law provisions incorporated into the Amended and Restated*

Interlocal Agreement, subsequent amendments may have to be filed only in the

county where the Commission maintains its principal offices through the offices

of its Executive Director, currently Leon County.

6. *Officers of the Commission may be elected to one or two year terms.*

7. *The Commission is expressly authorized to adopt by two-thirds vote of its governing body by-laws governing the conduct of its affairs.*

8. *Additional refinements for clarity.*

Appointment of Representatives

Since staff is presenting a Resolution concerning the Commission, we take this opportunity to also offer you the opportunity to reappoint your representative, either by named individual or by office. Staff recommends that whomever serves in the Office of Finance Director serve as the City's Representative, the

Treasurer serve as the Alternate Representative, and the Controller serve as the Second Alternate Representative. The Interlocal Agreement requires that a Representative or Alternate Representative be either the Chief Executive Officer, the Chief Financial Officer, or an elected or appointed public official of the City.

RECOMMENDATION

The City Commission adopt Resolution No. approving the Amended and Restated Interlocal Agreement and authorizing the Mayor and other appropriate officers of the City to execute and deliver the Member's execution page in substantially the form attached as Exhibit A to the Amended and Restated Interlocal Agreement, with the understanding that the Amendment shall not become effective until after approval by all current Members of the First Florida Governmental Financing Commission, and appointing Ex Officio the Finance Director, Treasurer and Controller as Representative, Alternate Representative and Second Alternate Representative.

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060837.

Resolution for a Landscape/Streetscape Maintenance Agreement for the Landscaping on SR 329 (South Main Street) from SR 331 (Williston Road) to SR 226 (SW 16th Avenue) (B)

This item involves a Resolution authorizing the City Manager to execute a Landscape/Streetscape Maintenance Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) for a landscaping project on SR 329 (South Main Street) from SR 331 (Williston Road) to SR 226 (SW 16th Avenue).

Explanation: The City of Gainesville was requested to enter into a landscape/streetscape maintenance agreement with the FDOT that requires the City to maintain the landscaping along the section of the project on SR 329 from SR 331 to SR 226. If the City takes these actions, the FDOT will construct the landscaping project.

Fiscal Note: The maintenance operating cost will be approximately \$10,000 per year. This will be addressed in FY 08 budgeting process.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute a Landscape/Streetscape Maintenance Agreement for the landscaping on SR 329 from SR 331 to SR 226.

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060838.

Resolution for a Local Agency Program (LAP) Agreement for the design

and construction of NE 19th Street / NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue (B)

This item involves a Resolution authorizing the City Manager to execute a LAP Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) for the design and construction of NE 19th Street / NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue in the amount of \$705,000.

Explanation: LAP agreements between the City and the FDOT authorize the City to design and construct local projects in advance of the FDOT's scheduled work program. The City provides the initial funding and is reimbursed for the project costs during the fiscal year FDOT has the project scheduled in their work program.

This Agreement with the FDOT is for the design and construction phase for the NE 19th Street / NE 19th Terrace project.

Fiscal Note: The LAP Agreement provides up to \$705,000 for the design and construction.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute a LAP Agreement for the design and construction of NE 19th Street / NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue.

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060839.

Resolution for a Local Agency Program (LAP) Agreement for the design and construction of NE 25th Street and NE 19th Drive from State Road 26 / University Avenue to NE 8th Avenue (B)

This item involves a Resolution authorizing the City Manager to execute a LAP Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) for the design and construction of NE 25th Street and NE 19th Drive from State Road 26 / University Avenue to NE 8th Avenue project in the amount of \$1,410,000.

Explanation: LAP agreements between the City and the FDOT authorize the City to design and construct local projects in advance of the FDOT's scheduled work program. The City provides the initial funding and is reimbursed for the project costs during the fiscal year FDOT has the project scheduled in their work program.

This Agreement is for the design and construction phase for the NE 25th Street and NE 19th Drive projects.

Fiscal Note: The LAP Agreement provides up to \$1,410,000 for design and construction.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute a LAP Agreement for the design and construction of NE 25th

Street and NE 19th Drive from State Road 26 /
University Avenue to NE 8th Avenue.

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060851. Resolution Supporting the Florida League of Cities' Key Priority Issues for the 2007 Legislative Session (B)

Key issues were adopted by the League membership at their recent Legislative Conference and address Charter County Relations, Affordable Housing and Property Tax Reform.

Explanation: The Florida League of Cities Board of Directors has adopted an initiative to enhance the Florida Legislature's awareness of the League's priority issues. This plan requests that each of Florida's 413 cities adopt a Resolution that supports the League's key priority issues. The key issues represented in this Resolution address Charter County Relations, Affordable Housing and Property Tax Reform. Following the adoption of the Resolution, copies will be sent to Governor Charlie Crist, Senate President Ken Pruitt, Speaker of the House of Representatives Marco Rubio, and members of the Alachua County Legislative Delegation.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize staff to submit copies of the Resolution to the Governor, President of the Senate, Speaker of the House, and members of the Alachua County Legislative Delegation.

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PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

060848.

SpringHills Development of Regional Impact (DRI) Substantial Deviation - Impacts on City of Gainesville (B)

This item includes an assessment of impacts on the City of the proposed Substantial Deviation of the SpringHills DRI, located in unincorporated Alachua County, and a recommendation to the City Commission as to comments the City may wish to provide to the County with respect to the proposed Substantial Deviation of this DRI.

Explanation: The SpringHills DRI is a mixed-use development of approximately 601 acres that encompasses all four quadrants of the I-75 interchange with Northwest 39th

Avenue (State Road 222). The current, approved DRI development order provides for 801,342 square feet of retail development, 495,000 square feet of office 459,471 square feet of warehouse/distribution, 748 hotel rooms, and 1,971 residential units. The proposed Substantial Deviation is for the addition of 754,158 square feet of retail, 529 square feet of industrial (warehouse/distribution), 317 residential units, and a decrease of 370,000 square feet of office development and 123 fewer hotel rooms. If the substantial deviation is approved, at build-out the mixed-use DRI will consist of 1,555,500 square feet of retail, 460,000 of industrial (warehouse/distribution), 125,000 square feet of office development, 2,228 residential units (1,772 multiple-family, 516 single-family), and 625 hotel rooms.

Transportation impacts are massive and are of primary concern, but the proposed magnitude of retail square footage at this peripheral location will potentially affect retail demand within City limits. Of particular concern is the impact upon the Oaks Mall, the City's only regional shopping center and DRI, located 2.6 miles to the south of SpringHills, at the intersection of I-75 and Newberry Road. Approval of the additional .75 million square feet of retail at SpringHills at the very least would factor into any future expansion plans that the Oaks Mall might have. The market study for the DRI shows that in the year 2015, the retail square footage (approximately 1.5 million square feet) proposed for the DRI exceeds unmet retail demand by more than 129,000 square feet. In other words, the retail component of SpringHills, if approved, could completely absorb the unmet retail demand throughout the entirety of Alachua County (including all incorporated areas). The type of proposed retail development could also affect the retail market within the City. The related Comprehensive Plan amendment submitted by the applicant proposes large-scale non-residential development (which would allow large-format or "big-box" retail) in the Northeast and Southeast quadrants of the property. This could impact future large-format retail that may be contemplated within City limits.

The proposed substantial deviation of the SpringHills DRI is counter to the City's continuing efforts to redevelop downtown and other community redevelopment areas, and is inconsistent with the long-term commitment to discourage sprawl and promote sustainable development that is embodied in the City of Gainesville's 2000-2010 Comprehensive Plan. Some pertinent goals, objectives and policies are: Future Land Use Element Objective 1.5 (Discourage sprawling, low-density dispersal of the urban population); Objective 2.1 (Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice); Goal 4, last line (The Land Use Element shall promote statewide goals for compact development and efficient use of infrastructure); Transportation Mobility Element Policy 7.1.10 (The City shall coordinate the transportation network...to encourage compact development patterns...and to protect the integrity of the Florida Intrastate Highway System); and Policy 7.2.2 (The City will encourage the use of more sustainable forms of travel, more transportation choice, and a better retail environment to improve the City's transportation level of service).

Phase 1 of SpringHills has been completed with the exception of approximately 3,200 square feet of retail development. When the DRI was approved in 1999,

one of the DRI development order conditions was that a traffic study be submitted before development of Phase 2 can begin. The required traffic study has been submitted as part of the Application for Development Approval for the Substantial Deviation. The City's Public Works Department, Alachua County Public Works Department, and staff of the North Central Florida Regional Planning Council have reviewed the traffic study and evaluated the impacts upon the transportation system.

The magnitude of the transportation impacts of the SpringHills DRI development is comparable to adding a Haile Plantation and an Oaks Mall at the intersection of I-75 and Northwest 39th Avenue. The proposed development will generate approximately 64,500 new trips, half of which will travel on Northwest 39th Avenue. The SpringHills transportation impacts fall into two general categories: construction of new roadway segments, and regional transportation impacts. These impacts are described in the SpringHills summary prepared by the Regional Planning Council and are included in the backup.

The items of most interest to the City are the transportation impacts to Northwest 39th Avenue, particularly at the intersections of Northwest 34 Street and Northwest 43rd Street. In order to produce a transportation plan that does not result in failing intersections (traffic movements that fail the acceptable level of service test), significant roadway and intersection modifications would be required along Northwest 39th Avenue. These modifications are:

Northwest 39 Avenue

- 1. Widen Northwest 39th Avenue to 6 lanes from I-75 to Northwest 34th Street*

Intersection of Northwest 39th Avenue & Northwest 34th Street

- 1. Provide eastbound dual left turn lanes and a right turn lane*
- 2. Provide southbound dual left turn lanes*
- 3. Provide northbound left turn, through and right turn lanes*
- 4. Provide westbound right turn lane*

Intersection of Northwest 39th Avenue & Northwest 43rd Street

- 1. Widen Northwest 39th Avenue to 8 lanes east and west of 43rd Street*
- 2. Widen Northwest 43rd Street to 6 lanes north and south of 39th Avenue*
- 3. Provide northbound dual left turn lanes*
- 4. Provide southbound dual left turn lanes*
- 5. Extend southbound right turn lane*

Traffic Management System: Provide and install traffic management infrastructure (traffic signal controllers/cabinets, fiber optic communication cable, etc) on Northwest 39th Avenue from Northwest 98th Street to Northwest 34th Street.

Regional Transit System (RTS) staff has evaluated impacts on the transit system and recommends the following: Implement Route 39 - This route would provide 45 minute service along 39th Avenue from SpringHills to the Gainesville

Regional Airport.

The proposed transportation modifications for SpringHills Phase 2 include widening Northwest 39th Avenue to six travel lanes from I-75 to Northwest 34th Street. These modifications are not consistent with the City's Comprehensive Plan. Transportation Mobility Policy 7.1.1 requires "the maximum number of travel lanes for a new or widened street within city limits shall not exceed 4 travel lanes."

The North Central Florida Regional Planning Council (NCFRPC) on July 27, 2006 approved the SpringHills Development of Regional Impact Substantial Deviation Evaluation report and recommendations prepared by NCFRPC staff. Council staff recommends reducing the uses and intensity of the SpringHills Substantial Deviation by an amount that would allow for a "workable transportation plan." This could only be accomplished if the City of Gainesville were to amend the Comprehensive Plan to allow for six-laning of Northwest 39th Avenue, and if the SpringHills applicant were to substantially reduce the intensity of the DRI with concomitant reduction in transportation impacts, and submit an updated transportation study demonstrating a feasible transportation plan.

The Public Works and Community Development Departments recommend that the City Commission adopt and forward to the Alachua County Commission the following position with respect to the SpringHills substantial deviation proposal:

The proposed Substantial Deviation of the SpringHills DRI requires modifications to Northwest 39th Avenue within Gainesville City limits that would violate the City's Comprehensive Plan policy that limits the number of travel lanes for a new or widened street to four. Therefore, the Gainesville City Commission recommends that the proposed substantial deviation be denied. If it is not denied, then it must be substantially reduced in scale and be required to develop a transportation mitigation strategy that includes a mix of Transportation Management System, transit, and intersection modifications that would not violate the City's Comprehensive Plan.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) adopt the aforementioned position regarding transportation impacts (inside the City limits) on Northwest 39th Avenue (State Road 222) created by the proposed Substantial Deviation of the SpringHills DRI and transmit this position to the Alachua County Commission; and 2) if the Alachua County Commission approves the proposed Substantial Deviation of the SpringHills DRI, transmit the City Commission position that transportation mitigation inside of Gainesville's City limits include the following: (a) contributions to the Traffic Management System; (b) intersection modifications to Northwest 39th Avenue at the Northwest 34th Street and Northwest 43rd Street intersections; and (c) funding for additional transit service.

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General Manager for Utilities Selection Process (NB)

The City Commission will discuss the results of the interview process for the General Manager held on January 19 -20, 2007 and make a final selection.

Explanation: In July 2006, the City Commission selected Mycoff & Associates to perform executive search services for the position of General Manager for Utilities.

On October 18-19, 2007, Scott Fry, Principal, Mycoff & Associates, met individually with the Mayor and each member of the City Commission to discuss their expectations for the General Manager position and potential candidates. During the months of November 2006, December 2006 and early January 2007, Mr. Fry interviewed potential candidates from across the nation that possessed the qualifications expected of the Gainesville City Commission. On January 12, 2007, Mycoff & Associates presented the City Commission with a list of finalists, their resumes and a summary report. These finalists completed an interview process on January 19-20, 2007.

Fiscal Note: None

RECOMMENDATION

The City Commission make a final selection for the position of General Manager for Utilities and take any other appropriate action.

Alternative Recommendation A:

The City Commission direct Mycoff & Associates to continue the search for the position of General Manager and come back with a new list of finalists at a later date.

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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