

City of Gainesville

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



Meeting Agenda

October 07, 2010

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Lauren Poe (District 2)

Commissioner Jack Donovan (District 3)

Commissioner Randy Wells (District 4)

Commissioner Thomas Hawkins (At Large)

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

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. Signs or Props are not permitted in the meeting room. 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."

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

100343.

The 21st Century Learning Grant Contract Agreement Between the Gainesville Police Department (GPD) and the School Board of Alachua County (NB)

Explanation: The School Board of Alachua County has been awarded a 21st Century Learning Grant from the Florida Department of Education. Through this grant, the School Board will contract with the Reichert House Youth Academy to provide youth services. This contract provides \$155,320 to fund 3 full-time Intervention Specialists, 1 full-time Family Liaison Specialist, 2 part-time certified teachers and 1 part-time (.50) site coordinator for grant administration, University of Florida tutors (up to \$10,000 of the award) and funding for approved educational field trips. The grant cycle for this project began July 1, 2010. City Commission approval will allow the City to bill the Alachua County School Board for staff positions and services received from July 1, 2010. This is the second year of a five year grant cycle received by the School Board of Alachua County from the Department of Education. GPD's contract is subject to review and is renewable annually based on satisfactory performance criteria as established by the grant.

Fiscal Note: Total amount the City of Gainesville will receive through the agreement is \$155,320.

RECOMMENDATION

The City Commission approve the agreement for \$155,320 between the City of Gainesville, the Gainesville Police Department, the Reichert House Youth Academy and the Alachua County School Board

and authorize the City Manager to accept and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality; and approve the expenditures as outline in the approved grant award/contract.

100344.**Staffing for Adequate Fire and Emergency Response (SAFER) Firefighter Grant Program (NB)**

This item requests that the City Commission authorize an application for the 2010 Federal SAFER Grant Program for firefighter staffing funds.

Explanation: On August 16, 2010, the US Department of Homeland Security began accepting applications for the Staffing for Adequate Fire and Emergency Response (SAFER) Firefighter Grant Program. The program assists fire departments with increasing the number of firefighters available to respond to calls for service in order to meet staffing guidelines as established by the National Fire Protection Association (NFPA) in NFPA 1710. In part, the NFPA response guidelines describe a deployment goal for 90% of building fire dispatches of having four (4) fire suppression personnel on scene with one suppression apparatus within four (4) minutes from the time units begin responding. Gainesville Fire Rescue's staffing does not currently support four (4) personnel on engine companies and the department's minimum staffing requirement for an engine company is three (3) personnel. To achieve the NFPA 1710 goal, Gainesville Fire Rescue must frequently have more than one unit on scene within four (4) minutes.

Gainesville Fire Rescue currently staffs seven full-time stations with 132 combat personnel. The city has committed to the construction in FY11 of Fire Station 8 to address an identified service gap in the northwest area. Staffing this station will require an additional 13 personnel. Since SAFER program funds for hiring must be used for salaries and associated benefits for new, full-time firefighter positions only, application of these funds would support staffing of Fire Station 8.

For FY10, SAFER grants are being awarded differently due to the passage of the American Recovery and Reinvestment Act of 2009 (ARRA) and the Supplemental Appropriation Act, 2009. For FY10, no cost-share match is required and no salary limits are in place. Awards for hiring new firefighters will cover the actual salary and benefit costs during the two-year performance period and the grantee is required to retain SAFER-funded firefighters for one full year after the end of the period of performance. The maximum annual Federal share of funds for 13 firefighters is estimated at: second half of FY11 - \$ 379,398; full year FY12 - \$ 801,618; and first half FY13 - \$ 423,349 assuming a 5.5% annual inflator.

Fiscal Note: The cost to the City for the third year includes the second half of FY13 - \$423,349 and the first half of FY14 - \$447,161 and is estimated at \$870,511 assuming a 5.5% annual inflator.

RECOMMENDATION

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

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

100379.**Federal LECFTF Funding for the Joint Aviation Unit (B)**

Explanation: This request is for \$108,348 for the operating budget for the Gainesville Police Department's Joint Aviation Unit.

On July 8, 1996 the City Commission approved the Inter-Agency Agreement for a Joint Aviation Unit between the Alachua County Sheriff's Office (ACSO) and the City of Gainesville's Police Department. The agreement allows for each agency to share the cost of the Aviation hangar and office located at the Gainesville Regional Airport and the ACSO maintenance technician's salary. Total estimated operating costs for FY11 are \$108,348. Estimated cost for the City's half of the hangar/office and maintenance technician's salary is 50,000. In addition, this request includes costs for normal operating expenses for GPD's helicopter and associated costs.

Fiscal Note: Funds in the amount of \$108,348 for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. () 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$1,927,956.

RECOMMENDATION

The City Commission approve the appropriation of the amount of \$108,348 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for Joint Aviation Unit budget.

Alternative Recommendation A: The City Commission deny funding.

100379_Aviation Budget_20101007.pdf

100381.**Agreement with the Department of Juvenile Justice to Provide Security at the Gainesville Area Regional Booking and Screening Unit (B)**

This item requests the City Commission's authorization to enter into an

agreement with the Department of Juvenile Justice for operational costs of the Gainesville Area Regional Booking and Screening Unit (formerly called the Juvenile Assessment Center).

Explanation: This agreement is to defray the cost for the operation of the Gainesville Area Regional Booking and Screening Unit formerly the Juvenile Assessment Center (JAC) for the period October 1, 2010 through September 30, 2011. The Florida Department of Juvenile Justice considers the funding for security at the Booking and Screening Unit to be a local issue and will only fund the costs for screening services. The Booking and Screening Unit serves twelve counties and is utilized by the Gainesville Police Department as well as a number of regional law enforcement agencies. GPD has utilized this facility to refer or drop off approximately 900 juveniles per year. Funding from the City of Gainesville, the Alachua County Sheriff's Office, and other regional jurisdictions facilitate the 24-hour, 7-day per week security services that enable the Booking and Screen Unit to receive clients on an around-the-clock basis.

Fiscal Note: Funding in the amount of \$90,000 is available for this agreement in the City's FY 2011 budget as part of the Department's budget.

RECOMMENDATION

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

100381a_JACSoleSource_20101007.pdf

100381b_JACSoleSForm_20101007.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

100394.

Interlocal Agreement Addendum for Public Safety Trunking Radio Service (B)

Staff is requesting approval of agreement addendum for Public Safety Trunking Radio Services.

Explanation: On November 9th, 1999 the Interlocal Agreement between Alachua County and the City of Gainesville was executed to construct the Public Safety Trunking Radio System. The agreement provided that all equipment used to provide service was to be owned and maintained by Gainesville Regional Utilities. During construction, the County was unable to reach terms to use one of the radio towers planned to provide this service and the radio facilities for that site were relocated to the High Springs location. As a result radio coverage in the northeast portion of the county was less than optimal. The County has now reached agreement to utilize the radio tower at the Austin Cary site which will provide enhanced coverage for the northeast portion of Alachua County. In addition, the County has procured a grant for the purchase of the necessary equipment to provide radio service in this area.

This amendment, negotiated by representatives of Alachua County and Gainesville Regional Utilities, provides for the County to maintain ownership of the equipment and that the Utility will maintain the equipment.

Fiscal Note: There is minimal fiscal impact as the equipment is being provided by the County. Maintenance of the equipment is a routine portion of the work provided by the radio crews.

RECOMMENDATION

The City Commission approve the First Amendment To Interlocal Agreement Between Alachua County And The City Of Gainesville For Public Safety Trunking Radio Services and authorize the Mayor and Clerk of the Commission to execute the same on behalf of the City subject to approval of the City Attorn

Backup to Agenda Item .pdf

100394_presentation20101007.pdf

100397.

Financing for Construction, Refunding of Certain Outstanding Bonds and Restructuring of Certain Interest Rate Swaps (NB)

Explanation: We have a current need to fund for Costs of Acquisition and Construction for up to the next three years. Our recommendation, in consultation with Public Financial Management (PFM), our Financial Advisor, is to issue up to \$135 million of tax-exempt bonds, taxable, or taxable Build America Bonds to fund a portion of these construction costs with fixed-rate debt. Since it is not clear whether the United States Congress will extend the authority to issue Build America Bonds beyond 2010, it may be advantageous to finance a portion of our future capital needs at this time as well.

In 2003, the City issued its Utilities System Revenue Bonds, 2003 Series A (the "2003 Bonds") to finance certain of the Utility's capital projects. Since interest rates are lower now than in 2003 when the 2003 Bonds were issued, we can refinance (refund) these Bonds with new debt and save money for our customers over time.

Also, in 2005 and 2008, the City issued its Utilities System Revenue Bonds, 2005 Series B (Federally Taxable) (the "2005 Bonds") and 2008 Series A (Federally Taxable) (the "2008 Bonds"), respectively, to finance the Deerhaven Environmental Controls (retrofit) project. Because the Deerhaven plant was subject to a Lease-In, Lease-Out (LILLO) transaction, the 2005 Bonds and 2008 Bonds were required to be issued as taxable bonds. As such, the 2005 Bonds and 2008 Bonds have a shorter average life than would have been the case if those bonds had been issued as tax-exempt bonds, with larger principal and interest payments coming due through 2021. Subsequent to the issuance of the 2005 Bonds and the 2008 Bonds, the LILLO transaction was terminated. As a result, we now have an opportunity to refinance a portion of those Bonds with tax-exempt bonds having a longer average life, similar to the life of the assets that were financed. Our recommendation is to issue tax-exempt bonds to replace this higher cost taxable debt.

For the financings described above, the optimal structure will depend on market conditions existing at the time of execution. At this time, it is not absolutely clear which type of financing structure will be best for us. The American Recovery and Reinvestment Act, passed last year, created a new kind of taxable municipal bond that provides for a 35% interest subsidy paid by the Federal government to the issuer of the taxable municipal bond. The net interest cost, after accounting for the 35% subsidy payment, can be significantly lower than interest rates on traditional tax-exempt bonds, as was the case in September, 2009 when the City issued Build America Bonds for the Utility at a net rate of roughly 3.5%. Since Build America Bonds may be issued for the new money portion of this financing, we recommend that staff and our Financial Advisor continue to monitor the market to select the best structuring alternative.

GRU staff and our Financial Advisor recommend that the transactions referred to above be accomplished through a negotiated sale of those bonds. The use of a negotiated sale will allow us to adapt to changing market conditions and employ either tax-exempt or taxable bonds. A negotiated sale also allows for a more extensive investor education and marketing process. We have been advised by our Financial Advisor that the marketing process afforded by a negotiated sale will allow GRU to take full advantage of our superior credit ratings.

It is recommended that Goldman Sachs serve as Senior Manager. Goldman Sachs has continued to bring significant value to the Utility in the form of solid recommendations for financing opportunities, familiarity with our bond resolution, innovative work concerning future debt structures, and expertise in rating agency criteria and considerations. In addition, upon the advice of our Financial Advisor, we can appoint additional Co-Managers as appropriate, if their addition will enhance the distribution of the bonds.

Since all of the terms of the proposed financing have not yet been determined, the approval of the final terms of the bonds to be issued and the sale thereof is not being sought at this time; rather, Utility staff will seek City Commission approval of those bonds on or about November 2010 (which approval may be in the form of a delegation to the General Manager of the authority to determine, within pre-approved limits, the actual principal amount, interest rates and other terms and provisions of the bonds, similar to what the City Commission has approved for several previous Utility financings).

In 2006, GRU restructured certain interest rate swaps previously entered into with JPMorgan Chase Bank, N.A. and Goldman Sachs Mitsui Marine Derivative Products, L.P. ("GSMMDP") in order to synthetically fix the interest rates on the City's Variable Rate Utilities System Revenue Bonds, 2005 Series C and 2006 Series A. Under the original swaps, GRU received payments at 68% of the 1-month LIBOR rate. As restructured, the swaps were converted to "Constant Maturity Swaps" ("CMS"), pursuant to which GRU receives payments at a percentage of the 10-year LIBOR swap rate minus, in the case of the GSMMDP swap, a spread.

GRU originally restructured the swaps while the yield curve was flat in

anticipation that GRU would benefit once the yield curve returned to its historical steepness. Since 2006, the yield curve has steepened significantly and the CMS swaps currently are more valuable than the original swaps would have been had they not been restructured. As a result, GRU can now convert the CMS swaps back to 68% of 1-month LIBOR receipt swaps and capture this positive value in one of three ways: by decreasing the fixed payer swap rate paid by GRU, by receiving an upfront payment, or by receiving the value over a specific time period through a combination of a decreased coupon and an upfront payment; and the value can be realized either through an amendment of the existing CMS swaps or by entering into additional offsetting swaps.

We recommend that staff and our Financial Advisor continue to monitor and evaluate the available options to restructure the CMS swaps in order to determine the best alternative. If it is determined that the best alternative is to amend the existing CMS swaps, we recommend that the General Manager be authorized to negotiate and enter into such amendments upon such terms and conditions as he determines are necessary or desirable and commercially reasonable, such determination to be confirmed by our Financial Advisor, and subject to the approval of the Office of the City Attorney as to form and legality. Alternatively, if it is determined that the best alternative is to enter into additional swaps, we recommend that the General Manager be authorized (a) with the advice of our Financial Advisor, to select the counterparties for the additional swaps from among those firms with whom the utility currently has outstanding International Swaps and Derivatives Association, Inc. ("ISDA") Master Agreements and (b) to enter into such documents evidencing the additional swaps (including, without limitation, a Confirmation under (and as defined in) the ISDA Master Agreement between the Utility and each selected counterparty) as he determines are necessary or desirable and commercially reasonable, such determination to be confirmed by our Financial Advisor, and subject to approval of the Office of the City Attorney as to form and legality.

In addition, since it may be advantageous to expand the number of potential counterparties, we recommend that the General Manager be authorized to negotiate and enter into an ISDA Master Agreement with Jeffries & Company, Inc. in substantially the form of the ISDA Master Agreements to which the Utility currently is a party, and with such changes thereto as the General Manager shall determine are necessary or desirable and commercially reasonable, such determination to be confirmed by our Financial Advisor, and subject to the approval of the Office of the City Attorney as to form and legality. Jeffries & Company, Inc., with its strong credit rating, would complement the existing competitive pool of major municipal market counterparties.

To the extent that it is determined to be advantageous to enter into additional swaps as described above, we recommend that the City Commission approve the designation of any such additional swap as a "Qualified Hedging Contract" within the meaning of the Utilities Bond Resolution, and authorize the securing of such swap under the Utilities Bond Resolution.

The Clerk of the Commission, the General Manager or other Authorized Officers of the City may be required to take certain other actions and hire

certain other professionals to proceed with these transactions. Therefore, we recommend that these officials be authorized to take such other actions as may be necessary or desirable to proceed with the transactions in accordance with this City Commission authorization.

Fiscal Note: Issuing new money debt at historically low rates, refunding existing debt and restructuring the CMS swaps as described above will help manage future debt service costs, as well as allow GRU to lock-in debt service costs that are well below those we have utilized for our long-term financial projections.

RECOMMENDATION

The City Commission: 1) Authorize the issuance of up to \$135 million par amount of fixed-rate new money bonds for payment of Costs of Acquisition and Construction (capital projects); 2) Authorize the refunding of Utilities System Revenue Bonds, 2003 Series A, 2005 Series B (Federally Taxable) and 2008 Series A (Federally Taxable) through the issuance of fixed-rate tax-exempt bonds; 3) Approve the selection of Goldman Sachs as Senior Manager for the bonds referenced in 1 and 2 above and authorize the appointment of additional Co-Managers if, upon the advice of Public Financial Management (PFM), our Financial Advisor, doing so would enhance the distribution of the bonds; 4) Authorize the restructuring of certain outstanding fixed payer CMS interest rate swaps with JPMorgan Chase Bank, N.A. and Goldman Sachs Mitsui Marine Derivative Products, L.P., either through the amendment of the existing swaps or through the entry into one or more additional swaps, in order to convert the payments to be received by the Utility under portions of those swaps back to the original 68% of 1-month LIBOR formulation; 5) Authorize staff to negotiate and enter into an ISDA Master Agreement with Jeffries & Company, Inc. in order to provide an additional potential swap counterparty to ensure GRU's ability to receive competitive market-based economics; 6) Authorize the utility to work with its Financial Advisor to select one or more counterparties to provide any additional swaps as described in 4 above; 7) Approve the designation of any such additional swap as a "Qualified Hedging Contract" within the meaning of the City's Amended and Restated Utilities System Revenue Bond Resolution ("Utilities Bond Resolution"), and authorize the securing of such swap under the Utilities Bond Resolution; and 8) Authorize the Clerk of the Commission, the General Manager and other Authorized Officers of the City (as defined in the Utilities Bond Resolution) to execute such documents as may be necessary to proceed with the transactions authorized in 1-7 above (including such documents as are necessary or appropriate to evidence

the amendment of the existing CMS swaps or the entry into additional swaps), subject to approval of the Office of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with these transactions in accordance with this City Commission authorization.

CITY ATTORNEY, CONSENT AGENDA ITEMS

100296.

SETTLEMENT OF PERSONAL INJURY CLAIM OF PEGGY BRYANT (B)

Explanation: Ms. Peggy Bryant filed a claim alleging that on October 15, 2007, while a passenger in a vehicle being driven by her husband westbound on SR 24 (SW Archer Road), an RTS bus collided with their vehicle from behind. At the time, the Bryants were driving a 2007 Kia, and Ms. Bryant appears to have been acting in the course and scope of her employment with National Healthcare Review, Inc. The vehicle carrying the Bryants was stopped in traffic at the time of the collision.

Ms. Bryant asserts that she has suffered permanent back and neck injuries. To date, the injuries have been treated without surgery, but Ms. Bryant has received continuous medical and chiropractic treatment and therapy. Her treating physicians have opined that she sustained an impairment rating of 19% as a result of the accident. Ms. Bryant's medical bills and related expenses, including lost wages, have been covered to date through a workers' compensation claim, and, according to Ms. Bryant's counsel, her employer's workers' compensation carrier retained a lien against any settlement or judgment related to this accident in the amount of over \$131,000.00. Her attorney appears to have negotiated the amount of that lien downward, and, in the Release signed by Ms. Bryant, she asserts that all liens have been resolved and she is committed to indemnifying and defending the City against any such liens related to this accident.

Initially, Ms. Bryant sought damages in excess of the statutory cap of \$100,000, for past and future medical expenses, pain and suffering, loss of capacity to enjoy life, loss of wages, and loss of capacity to earn wages. The City Attorney's Office and the City's Risk Management Department engaged in out-of-court settlement negotiation with Ms. Bryant's attorney and reached an agreement in principal to settle the claim for \$25,000.00, contingent upon: 1) City Commission authorization; and 2) a full and final release executed by Ms. Bryant. The City's Financial Services Procedure Manual requires City Commission approval for any legal settlement over \$20,000.00. It is the recommendation of Risk Management and the City Attorney's Office that the City Commission provide authorization to settle this claim for \$25,000.00.

RECOMMENDATION

The City Commission 1) approve the terms of the negotiated settlement agreement; and 2) authorize the

City Attorney to settle the claim against the City of Gainesville arising from an October 15, 2007 automobile accident.

100296_Peggy Bryant Settlement_20101007.pdf

100372.

MOGAS INVESTMENTS, INC., NALBANDIAN PROPERTIES, LLC, ROPEN NALBANDIAN VS. CITY OF GAINESVILLE, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; EIGHTH JUDICIAL CIRCUIT, COURT CASE NO. 2010-CA-4963 (B)

Explanation: On September 13, 2010, the City of Gainesville was served with a Summons and Complaint. The Petitioners challenge the City Commission's order that approved the design plat allowing for the subdivision of property located in the vicinity of the 800 block of the north side of 53rd Avenue as being inconsistent with the City's Comprehensive Plan. Petitioners seek to "permanently enjoin the City's attempts to approve a development order authorizing the construction of a "One-Stop Homeless Assistance Center" on the property chosen by the City.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case Mogas Investments, Inc., Nalbandian Properties, LLC, Ropen Nalbandian v. City of Gainesville, a political subdivision of the State of Florida; Eighth Judicial Circuit, Court Case No. 2010-CA-4963

100372_Mogas Investments_20101007.pdf

100382.

UPDATE RULES FOR BOARD OF ADJUSTMENT (B)

This item requests approval of new rules of procedure for the Board of Adjustment. The new rules more closely follow the City Commission's quasi-judicial hearing process, update the day and time of the meetings, and update other matters relating to the conduct of business by the Board of Adjustment.

Explanation: The current Board of Adjustment Rules have been in existence since 1997. As a result of staff and Board review of the existing rules, it was determined that the existing rules are in need of updating to more closely follow the Rules of the City Commission and other City boards that conduct quasi-judicial hearings as well as address details that have changed over time, such as the day and time of regular meetings. The Board of Adjustment discussed the draft revised rules at several meetings and on July 6, 2010, by a vote of 5-0, approved the revised rules. Per the existing rules, any revisions to the Board rules require City Commission approval.

RECOMMENDATION

The City Commission approve the Rules for the Board of Adjustment as amended in its entirety.

100382_draft Rules for Board of Adjustment_20101007.pdf

100039.

**FINAL ADMINISTRATIVE ORDER IN RE: APPEAL OF A
CERTIFICATE OF APPROPRIATENESS FOR A METAL ROOF IN
THE PLEASANT STREET HISTORIC DISTRICT (B)**

Explanation: On June 17, 2010, the City Commission, at its regular meeting, held a de novo, quasi-judicial appeal pursuant to section 30-112(d)(7)i., Gainesville Code of Ordinances. The appeal was heard at the request of the Appellant, Jason Straw, for the purpose of considering the decision of the Historic Preservation Board to approve a Certificate of Appropriateness with conditions. At the conclusion of the June 17, 2010 appeal, the City Commission voted to amend the decision of the Historic Preservation Board by approving the Certificate of Appropriateness, as requested by the Appellant. The Code of Ordinances requires the City Commission decision to be embodied in a written order. Due to an administrative oversight, the Order was not previously submitted to the City Commission for authorization to approve and execute.

RECOMMENDATION

The City Commission authorize the Mayor to execute, and Clerk of the Commission to attest, the final Order.

Legislative History

6/17/10 City Commission Approved, as shown above (Main Motion) (6 - 0 - 1
Absent)

100039_HP_B_20100617.pdf

100039a_HP_B Staff Rpt_20100617.pdf

100039b_HP_B Minutes 5-4_20100617.pdf

100039_Order_20101007.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

100378.

Appointments to City Commission Advisory Boards and Committees (B)

RECOMMENDATION

The City Commission appoint the following:

Zachary Andrews to the Regional Transit System Advisory Board for a term to expire 6/1/13; Adrian Hayes Santos to the Regional Transit System Advisory Board for a term to expire 10/7/13.

David Denslow to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan for a term to expire 10/7/12.

Jonathan Visscher to the Pension Review Committee for a term to expire 7/31/15.

100378_RT_Sadvisorybrd_20101007.pdf

100384.**City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of August 30, 2010, September 2, 2010, September 8, 2010, and September 16, 2010, as circulated.*

100384_jointcitycounty_aug.30, 2010_20101007.pdf
100384_reg_sept2,2010_20101007pdf.pdf
100384_spec_sept8,2010_20101007.pdf
100384_reg_sept16,2010_20101007.pdf

100399.**Butler Plaza Workshop (NB)**

RECOMMENDATION *The City Commission schedule the Butler Plaza workshop for November 3, 2010 at 5:30 pm.*

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT****081011.****Biodiesel Proposal - Biodiesel Production Facility (NB)**

Explanation: At the May 7, 2009 City Commission meeting, Commissioner Lauren Poe mentioned a proposal from Mr. Jack Metheny for the City to establish its own biodiesel production facility. The City Commission referred the item to the Recreation, Cultural Affairs & Public Works (RCAPW) Committee to review the feasibility of General Government and GRU establishing a biodiesel production facility. At the June 11, 2009 RCAPW Committee meeting, staff made a presentation and recommended the following: 1) RTS continue its pilot program with UF for an additional year to gather information on fuel consumption cost relative to 100% Ultra Low Sulfur Diesel (ULSD) fuel; and 2) depending on the result of the pilot program, staff at that time could be directed to conduct a feasibility study on the production of biodiesel.

RTS completed the pilot program and decided to expand the program as the differential cost between fuels was funded through a grant. Our local fuel supplier is the current source for the biodiesel used by RTS. Staff's opinion, which shares popularity with other Fleet operators, is that biodiesel will serve as a bridge fuel along with several other alternatives, CNG, Ethanol, Hydrogen, Electricity and continued combinations of Hybrids seem to be the unanimous choice of power for the future. The only question is when; some say as early as

five (5) years while other optimists say ten (10) years.

Several organizations have attempted to produce biodiesel. Some have been successful, usually the larger organizations producing multi million gallons per year with a good transmission and distribution network. Others, whose goal is to produce enough to be self sufficient, are still facing challenges, some after (3+) years and after major capital expenses. Major capital expenditures include the procurement of property (perhaps not in our case as current space could be identified), construction of plant, procurement and installation of processing, storage and dispensing equipment, procurement of vehicles and materials. Operating costs includes labor, transportation, utilities and raw materials. Staff does not believe that the demand locally will provide the opportunity to make a profit with such a venture. Furthermore, efforts by other local agencies to produce enough fuel to be self sufficient at a price lower than the market have not yet been successful.

Staff provided an update at the September 13, 2010 RCAPW Committee meeting. RTS had been very pleased with the biodiesel but the cost differences between the biodiesel vs the diesel were substantial. The costs have risen to \$4.02 per gallon compared to the cost of ultra low sulfur diesel at \$2.30 per gallon. Currently, staff is not buying biodiesel. One of the problems staff is seeing with production is that the vendors are not getting tax breaks and the grant was specific in that there could only be a 30 cent to 50 cent difference in price. Given the City's current fiscal challenges and the risks involved with so many uncertainties; staff does not recommend initiating a biodiesel production facility.

Fiscal Note: No fiscal impact if recommendation is approved.

RECOMMENDATION

The RCAPW Committee to the City Commission: The City Commission not pursue biodiesel manufacturing at this time and remove this item from the referral list.

Legislative History

4/16/09	City Commission	Referred (7 - 0)	Recreation, Cultural Affairs and Public Works Committee
6/11/09	Recreation, Cultural Affairs and Public Works Committee	Approved as Recommended	
9/13/10	Recreation, Cultural Affairs and Public Works Committee	Approved as shown above (See Motion)	

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

100221.

Change Elections Ordinance to Provide for Plurality Referral (B)

Explanation: This item was referred by the City Commission to the Audit, Finance and Legislative Committee on July 22, 2010 during budget discussions. Attached as backup is a presentation prepared by a City staff budget committee recommending the City Commission consider amending City ordinances to provide for plurality rather than majority for future City elections in order to eliminate runoff election costs.

RECOMMENDATION *The City Commission authorize removal from the referral list.*

Legislative History

7/22/10	City Commission	Referred (7 - 0)	Audit, Finance and Legislative Committee
9/20/10	Audit, Finance and Legislative Committee	No Action Taken	

100221_electionplurality_20100920.pdf

090759.

Local Preference Policies in Relation to the City's Procurement Procedures (NB)

Explanation: This item was referred by the City Commission to the Audit, Finance and Legislative Committee on February 4, 2010. It was subsequently discussed by the Committee on March 29, 2010 and June 29, 2010. Attached as backup is the City's Local Preference Policy which was adopted by the City Commission by ordinance on March 29, 2004 and a document submitted by Commissioner Lauren Poe to the March 29, 2010 AFLC meeting entitled "Economic Arguments against Protectionism."

RECOMMENDATION *The City Commission authorize removal from the referral list.*

Legislative History

2/4/10	City Commission	Referred (7 - 0)	Audit, Finance and Legislative Committee
3/29/10	Audit, Finance and Legislative Committee	Discussed	
6/29/10	Audit, Finance and Legislative Committee	Retained in Committee (2 - 0)	
9/20/10	Audit, Finance and Legislative Committee	No Action Taken	

090759_LPP_ORD_20100329.pdf
090759_Poe_Handout_20100329.pdf

100109.

Competitive Bidding Process Referral (B)

Explanation: This item was referred by the City Commission to the Audit, Finance and

Legislative Committee on June 17, 2010 during a bid protest discussion regarding the construction of Fire Station 8.

RECOMMENDATION *The City Commission authorize removal from the referral list.*

Legislative History

6/17/10	City Commission	Referred (6 - 0 - 1 Absent)	Audit, Finance and Legislative Committee
9/20/10	Audit, Finance and Legislative Committee	No Action Taken	

100109_competitive_bid_referral_20100920.PDF

100363.

Fiscal Year 2010 Operating Funds Quarterly Monitoring Report - Quarter Ending June 30, 2010 (B)

RECOMMENDATION *The City Commission receive the quarterly budget monitoring report for the quarter ended June 30, 2010.*

Legislative History

9/20/10	Audit, Finance and Legislative Committee	Recommended for Approval	
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100363_report_20101007.pdf
100363a_report_20101007.pdf
100363b_report_20101007.pdf

100377.

Gainesville Regional Utilities (GRU) Quarterly Financial Report (B)

RECOMMENDATION *The City Commission receive the GRU Quarterly Financial Report as of June 30, 2010.*

Legislative History

9/20/10	Audit, Finance and Legislative Committee	Recommended for Approval	
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100377_GRU 3rd Quarter Financials_20100920.pdf

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES**CLERK OF THE COMMISSION****100331.****National League of Cities Voting Delegate (B)****RECOMMENDATION**

The City Commission select a voting delegate and alternate for the National League of Cities Annual Business Meeting.

100331_delegate_20100916.pdf

CITY MANAGER**100403.****Alachua County Department of Public Works' Plans for the NW 16th Avenue Resurfacing Project (B)**

This item addresses the direction given by the Commission to have a representative of the Alachua County Department of Public Works to present at the City Commission's meeting on October 7, 2010, the County's plans for the NW 16th Avenue Resurfacing Project.

Explanation: A representative from the Alachua County Department of Public Works will, through a power point presentation, provide the options for the resurfacing project of NW 16th Avenue.

Fiscal Note: There are no fiscal impacts to the City.

RECOMMENDATION

The Commission hears the presentation and citizen comments.

100403_PPT_20101007.pdf

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****100300.****Lesbian, Gay, Bisexual and Transgender Pride Days (B)****RECOMMENDATION**

*Pride Community Center of North Central Florida
Co-President Terry Fleming and Director Linda
Bassham to accept the proclamation.*

100300_proclamation_20101007.pdf

100388.**United Nations Day - October 21, 2010 (B)****RECOMMENDATION**

*United Nations Association of the USA, Florida
Division, President Robert H. Hornberger to accept
the proclamation.*

100388_UnitedNations_20101007.pdf

100389.**Fire Prevention Week - October 3-9, 2010 (B)****RECOMMENDATION**

*Deputy Chief Timothy P. Hayes and Risk Reduction
Specialist Krista Gonzalez to accept the proclamation.*

100389_FirePrevention_20101007.pdf

100390.**White Cane Safety Month - October 2010 (B)****RECOMMENDATION**

Alachua County Council of the Blind President Maxine

Stallings and First Vice President Spencer Morton to accept the proclamation.

100390_WhiteCaneSafety_20101007.pdf

100402.

DECA/Delta Epsilon Chi Week - (B)

RECOMMENDATION

President Alexis Oliver and Vice President Mary Henderson to accept proclamation.

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

100364.

Third Amendment to the FY 2009-2010 General Government Financial and Operating Plan (B)

RECOMMENDATION

The City Commission adopt the proposed resolution.

Legislative History

9/20/10 Audit, Finance and Recommended for Approval
 Legislative
 Committee

100364_Resolution.pdf

100364-Attachment A_AFLC.pdf

100365.

Proposed Fiscal Year 2011 Annual Audit Plan (B)

Explanation: Resolution 970187, City Auditor Internal Responsibilities and Administrative Procedures, Section 4 (b) requires the City Auditor to submit an Annual Audit Plan to the City Commission for approval. The process of preparing the Annual Audit Plan includes defining auditable units, obtaining input from City Commissioners and Charter Officers, evaluating information gained from previous audits and assessing the relative risks involved in different City programs and operations.

Each of the requested projects is weighed against other planned or required projects resulting in Exhibit A, which represents a compilation of proposed audits for the City Auditor's work plan for Fiscal Year 2011. Audits are classified into the following categories:

- Revenue/Cost Containment Audits*
- Operational Audits*
- Compliance Audits*
- Follow-up Audits*

· *Other Projects*

We request that the Committee recommend the City Commission approve our Fiscal Year 2011 Annual Audit Plan by resolution.

RECOMMENDATION

The City Commission adopt the resolution, as amended.

Legislative History

9/20/10 Audit, Finance and Recommended for Approval, as amended
 Legislative
 Committee

100365_AAPLAN_20100920.pdf

ADOPTION READING-ROLL CALL REQUIRED**090763.****PLANNED DEVELOPMENT – GRACE MARKETPLACE (ONE-STOP HOMELESS CENTER)-(B)****Ordinance No. 0-10-09, Petition No. PB -09-161PDV**

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "I-2: General industrial district" to "Planned Development District"; located in the vicinity of 820 N.W. 53rd Avenue; commonly known as "Grace Marketplace" Planned Development; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition is a request by the applicant to rezone the property above from I-2 (Limited Industrial) to Planned Development to operate: a residence for destitute people; a social service home; a food distribution center for the needy; a healthcare facility; and a campground. The property is located in the 800 Block of NW 53rd Street (north side), at the end of a private easement approximately 2,000 feet from NW 53rd Avenue. The property is currently part of a larger parcel which will be provided with adequate access through the subdivision review process. The applicant is proposing a subdivision of the parent parcel to create three lots, one of which will be dedicated as the subject property for this Planned Development.

Final approval of the PD is subject to approval of the proposed subdivision by the City Commission. During the subdivision process, a 100 foot right-of-way will be created from NW 53rd Avenue, along an existing private easement to the subject parcel. Another 60 foot right-of-way will branch out in a northeasterly direction to provide the main access to the subject parcel and other parcels to the east.

The parcel dedicated to the PD is approximately 9.78 acres. It is an isolated tract of undeveloped property, well removed from any existing

development. The project site has a relatively even topography with large areas of wetlands. It is mostly undisturbed and completely occupied with pine and other natural growth vegetation. The property is surrounded by undeveloped parcels, except for the south and southwest which are occupied with a salvage yard, mixed industrial uses and a cement plant. The property has a land use of Industrial and is surrounded on the north by property designated for agriculture use and on the east, west and south by property designated for industrial use. The zoning on the property is I-2 (General industrial district) and is surrounded by industrial use on the east, south and west and by agriculture on the north. Immediately to the south of the property is an asphalt plant which appears to be inactive.

The purpose and intent of the Grace Marketplace PD is a collaborative response by the City of Gainesville and Alachua County to address the needs of the homeless in the community. The primary uses include, residence for destitute people, social service home, food distribution center for the needy and camping facilities. The PD Layout Plan shows development Area "B" where the camping facilities will be provided and Area "A" for the other uses.

The Plan Board reviewed the petition and recommended approval of staff conditions with modifications to conditions 1, 8, 9, 14, 19, 22 and 26 as requested by the applicant. One board member expressed concerns about moving forward because of procedural issues raise by an opposition attorney at the meeting.

The City Commission heard the petition at a Public Hearing on March 4, 2010 and accepted the Plan Board's recommendation. Following the City Commission's Public Hearing, the following changes are recommended to clarify the conditions listed in the ordinance:

1. The list of Primary Uses was modified to add a use "One Stop Center" with a definition of the term
2. Condition #17 was modified to provide specific regulations for the size of tents allowed in Area "B" of the PD Layout Plan.
3. Condition #19 was modified to provide a definition of "Katrina Cottages" and "Temporary Structures" allowed in Area "B" of the PD Layout Plan.
4. The PD Layout Plan has been modified to include the required elements of a PD Layout Plan.

Public notice was published in the Gainesville Sun on January 14, 2010. The Plan Board held a public hearing on February 1, 2010.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of March 4, 2010 authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the city to planned development commonly known as "Grace Marketplace".

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/4/10 City Commission Approved (Petition) as revised by the City Plan Board, as amended (7 - 0)

090763_cpb recommended conditions_20100304.pdf
 090763A_staff report_20100304.pdf
 090763B_map 1_minor subdivision_20100304.pdf
 090763C_trc comments_20100304.pdf
 090763D_grace marketplace pd report_20100304.pdf
 090763E_aerial photo map_20100304.pdf
 090763F_petitioner application_workshop info_20100304.pdf
 090763G_cpb minutes draft_20100304.pdf
 090763_presentation_20100304.pdf
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 090763_Nalbandian2_20100304.pdf
 090763_mod_ppt_20100304.pdf
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100143.

LAND USE CHANGE - JOHN MAHON PARK (B)

Ordinance No. 100143, Petition PB-10-31LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of "Single-Family (up to 8 units per acre)" to "Conservation"; located in the vicinity of south of Newberry Road and south of property commonly known as the Central Park Medical Plaza; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The petitioner, the City of Gainesville Parks, Recreation, and Cultural Affairs Department, requests a land use change on land owned and maintained by the City. The 9.9-acre parcel is currently designated Single Family. Approval of the proposed change would result in the parcel being designated Conservation. This parcel is managed as an undeveloped nature park named John Mahon Park.

Public notice was published in the Gainesville Sun on May 11, 2010. The City Plan Board held a public hearing May 27, 2010.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a

small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission: 1) approve Petition PB-10-31LUC; and 2) adopt the proposed ordinance.*

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 100143C_application_neighbrhd wkshop_20101007.pdf
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 100143E_staff ppt_20101007.PDF

100144.

REZONING – JOHN MAHON PARK (B)

Ordinance No. 100144, Petition No. PB-10-32ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from the zoning category of “RSF-1: 3.5 units/acre single-family residential district” to “CON: Conservation district”; located in the vicinity of south of Newberry Road and south of property commonly known as the Central Park Medical Plaza; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The petitioner, the City of Gainesville Parks, Recreation, and Cultural Affairs Department, requests a rezoning on land owned and maintained by the City. The 9.9-acre parcel is currently zoned RSF-1. Approval of the proposed change would result in the parcel being designated CON. This parcel is managed as an undeveloped nature park named John Mahon Park.

Public notice was published in the Gainesville Sun on May 11, 2010. The City Plan Board held a public hearing May 27, 2010.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval. This ordinance shall become effective immediately upon final adoption; however, the rezoning shall not become effective until the amendment to the City of Gainesville 2000-2010 Comprehensive Plan adopted by Ordinance No. 100143 becomes effective as provided therein.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-10-32ZON; and 2) adopt the proposed ordinance.

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 100144C_application_neigbrhd wkshp_20101007.pdf
 100144D_100527 cpb minutes_20101007.pdf
 100144E_staff ppt_20101007.pdf
 100144.txt
 100144 - draft ordinance - John Mahon Park_20101007.txt
 100144_petitionform_20101007.pdf

100145.**LAND USE CHANGE – LOBLOLLY WOODS (B)****Ordinance No. 100145, Petition PB-10-33LUC**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of “Single-Family (up to 8 units per acre)” to “Conservation”; located in the vicinity of southeast of the intersection of Northwest 34th Street and Northwest 8th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The petitioner, the City of Gainesville Parks, Recreation, and Cultural Affairs Department, requests a land use change on land owned and maintained by the City. The 79.8-acre parcel currently has split land use with approximately half Conservation and half Single Family, including a 1.33-acre portion of Single Family on its western edge. Approval of the proposed change would result in that small portion being designated Conservation to be consistent with the western half of the parcel; the eastern half of the parcel will remain Single Family. This parcel is managed as an undeveloped nature park named Loblolly Woods.

Public notice was published in the Gainesville Sun on May 11, 2010. The City Plan Board held a public hearing May 27, 2010.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City’s adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION

The City Commission: 1) approve Petition PB-10-33LUC; and 2) adopt the proposed ordinance.

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 100145A_comp plan GOPs_20101007.pdf
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 100145D_100527 cpb minutes_20101007.pdf
 100145E_staff ppt_20101007.PDF

100146.**REZONING – LOBLOLLY WOODS (B)****Ordinance No. 100146, Petition No. PB-10-34ZON**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from the zoning category of “RSF-1: 3.5 units/acre single-family residential district” to “CON: Conservation district”; located in the vicinity of southeast of the intersection of Northwest 34th Street and Northwest 8th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The petitioner, the City of Gainesville Parks, Recreation, and Cultural Affairs Department, requests a land use change on land owned and maintained by the City. The 79.8-acre parcel currently has split land use with approximately half Conservation and half Single Family, including a 1.33-acre portion of Single Family on its western edge. Approval of the proposed change would result in that small portion being designated Conservation to be consistent with the western half of the parcel; the eastern half of the parcel will remain Single Family. This parcel is managed as an undeveloped nature park named Loblolly Woods.

Public notice was published in the Gainesville Sun on May 11, 2010. The City Plan Board held a public hearing May 27, 2010.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval. This ordinance shall become effective immediately upon final adoption; however, the rezoning shall not become effective until the amendment to the City of Gainesville 2000-2010 Comprehensive Plan adopted

by Ordinance No. 100145 becomes effective as provided therein.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-10-34ZON; and 2) adopt the proposed ordinance.

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 100146A_comp plan GOPs_20101007.pdf
 100146B_maps_existing_proposed zoning_aerial_20101007.pdf
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 100146D_100527 cpb minutes_20101007.pdf
 100146E_staff ppt_20101007.pdf
 100146_petitionform_20101007.pdf

100147.

LAND USE CHANGE – SUGARFOOT PRAIRIE (B)

Ordinance No. 100147, Petition PB-10-27LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of “Residential Medium-Density (8-30 units per acre)” to “Conservation”; located in the vicinity of north of Southwest 20th Avenue and east of Southwest 62nd Boulevard; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The petitioner, the City of Gainesville Parks, Recreation, and Cultural Affairs Department, requests a land use change on land owned and maintained by the City. The parcel is currently designated predominantly Conservation with a seven-acre portion designated Residential Medium-Density. Approval of the proposed change would result in the entire parcel being designated Conservation. This parcel is managed as part of a larger conservation area known as Sugarfoot Prairie.

Public notice was published in the Gainesville Sun on May 11, 2010. The City Plan Board held a public hearing May 27, 2010.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City’s adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale

development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-10-27LUC; and 2) adopt the proposed ordinance.*

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 100147A_comp plan GOPs_20101007.pdf
 100147B_maps_existing_proposed land use_aerial_20101007.pdf
 100147C_application_neighbrhd wkshp_20101007.pdf
 100147D_100527_cpb minutes_20101007.pdf
 100147E_staff ppt_20101007.PDF

100231.

LAND USE CHANGE -PLANNED USE DISTRICT SW 52nd STREET (B)

Ordinance No. 100231, Petition No. PB-09-115 LUC

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 future land use category of "Recreation"; located in the vicinity of 1420, 1424, 1428 and 1432 Southwest 52nd Street; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The applicant is requesting that the PUD (Planned Use District) land use category be applied to 5.07 (MOL) acres of land. This request constitutes a small-scale amendment to the City's 2000-2010 Future Land Use Map under Florida Statutes, Chapter 163, Section 163.3187 (1) (c). The purpose of the request is to create a neighborhood-scale, mixed-use development that serves the surrounding area.

The subject property is primarily surrounded by land with an RM (Residential Medium-Density: 8-30 units per acre) land use category. This land use category allows single-family and multi-family residential development at densities from 8 to 30 dwelling units per acre. A multi-family residential PD is located directly north across Southwest 20th Avenue. Multi-family residential development is also located to the east across Southwest 52nd Street. City-owned land is located on the north side of Southwest 20th Avenue, just east of I-75. This land has a PF (Public Facilities) land use category and is used for utility purposes.

The proposed PUD allows a maximum of 10 residential units (maximum 2 bedrooms per unit); a maximum of 20,000 square feet for office use; a maximum of 20,000 square feet for retail/commercial use; and a maximum of 5,000 square feet for a stand-alone bank with one drive-through lane. No one non-residential use is allowed to have less than 500 square feet, or more than 10,000 square feet, of building area, gross floor area or floor area.

The permitted principal and accessory uses of the PUD are the uses allowed in the MUL (Mixed-Use Low Intensity: 8-30 units per acre) land use category, as described in Policy 4.1.1 of the Future Land Use Element. Outdoor storage, drive-through facilities (other than a stand-alone bank with one drive-through lane), limited automotive services, fuel dealers, gasoline sales, and other uses, as described in Section 30-64. Mixed use low intensity district (MU-1) (g) "Permitted uses" of the Land Development Code are prohibited.

At least 25 percent of the overall acreage of the subject property will be preserved in open space to protect significant plant species. Open space will also be provided as landscape buffers, stormwater management facilities, and outdoor activity areas.

The PUD provides for pedestrian, bike, and vehicle parking facilities (surface and structured). A portion of the subject property, running parallel to the north property line, will be dedicated for the widening of the Southwest 20th Avenue overpass of I-75. Property will also be conveyed along the east property line for the future extension of Southwest 62nd Boulevard.

Key issues affecting the development of the subject property include a Progress Energy easement that extends along the full length of the north property line. Written authorization for use of this and other existing and proposed easements on the subject property from any affected easement holder(s) is required prior to the final adoption of any rezoning ordinance on the subject property. Prior to the adoption of the associated rezoning ordinance on the subject property, the applicant must also demonstrate full compliance with the level-of-service standards within the elements of the 2000-2010 Comprehensive Plan.

At the City Plan Board, July 22, 2010 public hearing, the applicant requested a modification to Condition 7 of the staff report. At the direction of the City Plan Board, staff modified Condition 7 to ensure consistency with the City's Concurrency Management requirements as by allowing the trips generated by the stand-alone bank to be exchanged/substituted for a maximum of 2,500 square feet of general (non-medical) office use, or a maximum of 1,750 square feet of retail/commercial use that is not an eating place.

The City Plan Board considered Petition PB-09-115 LUC at a public hearing held July 22, 2010. By a vote of 4 - 0, the City Plan Board approved the petition with staff conditions, and a modification to Condition 7.

Public notice was published in the Gainesville Sun on July 6, 2010.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of

Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/19/10 City Commission Approved (Petition) (6 - 0 - 1 Absent)

100231_cpb recommended conditions_20100819.pdf
 100231A_staff letter_20100819.pdf
 100231B_attach A_comp plan GOPs_20100819.pdf
 100231C1_attach B_ecological inventory legacy pd_20100819.pdf
 100231C2_attach B_supplement docs_legacy pd report_20100819.pdf
 100231D_attach C_application and neighbd wkshp_20100819.pdf
 100231E_attach D_trc forms_20100819.pdf
 100231F_staff ppt_20100819.pdf
 100231G_petitioner ppt_20100819.pdf
 100231H_100722 cpb minutes draft_20100819.pdf
 100231_draft ordinance_20101007.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

100148.

REZONING - SUGARFOOT PRAIRIE (B)

Ordinance No. 100148, Petition PB-10-28ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties within the City, as more specifically described in this Ordinance, from the zoning categories of "RMF-6: 8-15 units/acre multiple-family residential district" and "PD: Planned Development District" to "CON: Conservation district"; located in the vicinity of north of Southwest 20th Avenue and east of Southwest 62nd Boulevard; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The petitioner, the City of Gainesville Parks, Recreation, and Cultural Affairs Department, requests a rezoning on land owned and maintained by the City. The parcel currently has split zoning with CON (Conservation) zoning on the central portion, PD (Planned Development) on the northern half, and a seven-acre portion designated RMF-6 in the southwestern corner. Approval of the proposed change would result in the entire parcel being designated CON. This parcel is managed as part of a larger conservation area known as Sugarfoot Prairie.

Public notice was published in the Gainesville Sun on June 8, 2010. The City Plan Board held a public hearing June 24, 2010.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-10-28ZON; and 2) adopt the proposed ordinance.*

100148_draft ordinance_20101007.pdf
 100148_staff report_20101007.pdf
 100148A_comp plan GOPs_20101007.pdf
 100148B_maps_existing_proposed zoning_aerial_20101007.pdf
 100148C_application_neighbrhd wkshp_20101007.pdf
 100148D_100624 cpb minutes_20101007.pdf
 100148E_staff ppt_20101007.pdf
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 100148a_petitionform_20101007.pdf

091038.

VEHICLES FOR HIRE – DRIVER PERMIT REQUIREMENTS (B)

Ordinance No. 091038

An ordinance of the City of Gainesville, Florida, amending Chapter 28, Vehicles for Hire, City of Gainesville Code of Ordinances, relating to driver permit requirements; amending the calculation of time periods of the offenses set forth in Sections 28-8.5(d)(2), (3) and (4); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its August 19, 2010 meeting, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance relating to the vehicles for hire ordinance, specifically changing the time period from which felony offenses are calculated to begin from the date of the offense for the purpose of securing a driver permit.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/6/10	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
6/16/10	Public Safety Committee	Discussed	
7/27/10	Public Safety Committee	Discussed	
8/19/10	City Commission	Approved as Recommended (7 - 0)	

091038a_DriverInfo_20100616.pdf
 091038b_DriverApplGuidelines_20100616.pdf
 091038c_GPD TowRules_20100616.pdf
 091038a_FSSCoOrg_20100727.pdf
 091038b_FSSMunic_20100727.pdf
 091038c_FSSFHPPenalties_20100727.pdf
 091038d_FHPWreckerPol_2100727.pdf
 091038e_FHPTowRates_20100727.pdf
 091038f_FHPWreckerQual_20100727.pdf
 091038g_FHPComplaintForm_20100727.pdf
 091038h_RotationList_20100727.pdf
 091038i_FHPWreckerInspForm_20100727.pdf
 091038j_TallTowOrd_20100727.pdf
 091038k_TrotterLetter_20100727.pdf
 091038_DraftOrdinance_20101007.pdf

100306.**TOWING AND IMMOBILIZING OF VEHICLES - PERMIT REQUIREMENTS(B)****Ordinance No. 100306**

An ordinance of the City of Gainesville amending Article III of Chapter 14.5, Division 1, Towing of Vehicles on Private Property, and Division 2, Immobilizing Vehicles on Private Property, relating to wrecker operator permit requirements and immobilization operator permit requirements; amending the calculation of time periods of offenses set forth in Section 14.5-27(c) and Section 14.5-42(c); providing directions to the codifier, providing a severability clause; providing a repealing clause and providing an immediate effective date.

Explanation: At its August 19, 2010 meeting, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance relating to towing and booting of vehicles, specifically changing the time period from which felony offenses are calculated to begin from the date of the offense for the purpose of securing a wrecker operator's permit and operator's permit.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

100306_DraftOrdinance_20101007..pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**090969.****CREDITED SERVICE FOR TEMPORARY EMPLOYMENT (B)****Ordinance No. 090969**

An ordinance of the City of Gainesville, Florida, amending Division 5 of Article VII of Chapter 2 of the City of Gainesville Code of Ordinances relating to the City of Gainesville Employees Pension Plan; creating a subsection (n) of Section 2-523, to allow purchase of credited service attributable to certain temporary employment prior to regular

employment; making conforming and administrative amendments; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on March 18, 2010, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the General Employee's Pension Plan to include a Temporary Service Purchase Program. In general, this amendment allows a member of the Plan to purchase prior service as a temporary employee with the City of Gainesville provided that the member worked for at least six months continuous in a temporary status. In addition, the amendment requires the member to pay the full actuarial value of the service as determined by the Plan's actuary. The Plan amendment generally follows the same criteria previously approved for the purchase of military service under Section 2-523(k).

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be October 7, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/16/10 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)
090969_draft ordinance_20100916.pdf

100152.

PERMITTED USES IN THE BT ZONING DISTRICT (B)

Ordinance No. 100152; Petition PB-10-61-TCH.

An ordinance of the City of Gainesville, Florida, amending Section 30-63(c) (1) of the Land Development Code, by adding offices and clinics of doctors of medicine, dentists, doctors of osteopathy and other health practitioners (GN-801 through GN-804) as uses by right in the tourist-oriented business (BT) zoning district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date

Explanation: **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

The petition and ordinance amend Section 30-63(c)(1) of the City's Land Development Code to add the medical uses listed in Industry Group Numbers (GN) 801 through 804 of the Standard Industrial Classification Manual (SIC) as uses by right in the tourist-oriented business (BT) zoning district. These medical uses include offices and clinics of doctors of medicine and osteopathy (including freestanding emergency medical centers), dentists and other health practitioners.

The purpose of the BT zoning district is to accommodate businesses that primarily serve the needs of the traveling public by providing adequate and convenient commercial locations along major transportation arteries. The

Land Development Code states that the best location for this district is adjacent to major intersections where development could effectively serve the needs of the community's residents and those of the traveling public without excessive strip development. Medical uses can be appropriate in BT districts because the roads in these locations are major transportation arteries. Also, the traveling public may need the services of a medical office or emergency center and the convenience of a BT location may be very helpful to a traveler seeking medical assistance.

Retail health clinics have been appearing in drug stores, grocery stores, big-box retail stores, and airports. These clinics may provide basic medical services such as treating minor injuries, vaccinations, and a small number of selective medical diagnoses and information. In addition, such clinics are often co-located with a pharmacy. The BT zoning district currently allows pharmacies (classified under MG-59) and every zoning district but BT that allows pharmacies also allows offices and clinics of doctors, dentists and other healthcare practitioners. There is a logical relationship between pharmacies and doctors offices and clinics.

Public notice of the petition was published in the Gainesville Sun on June 8, 2010. The City Plan Board held a public hearing on June 24, 2010, heard the petition and, by a vote of 5-1, recommended the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, October 7, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/16/10 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

100152_draft ordinance_20100916.pdf
100152-staff report_20100916.pdf
100152A_exhibit 1_20100916.pdf
100152B_exhibit 2_20100916.pdf
100152C_exhibit 3_20100916.pdf
100152D_staff ppt_20100916.PDF
100152_MOD_Applicant_CHW_100916.PDF

100309.

VEHICLE TOWING AND BOOTING FEES (B)

Ordinance No. 100309

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges by increasing fees and charges associated with booting/ immobilizing vehicles; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: On July 12, 2010, as part of the City's budget process, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance increasing the existing fee for costs associated with removing vehicle boots.

Should the Commission approve the ordinance on first reading, second and final reading will be held on Thursday, October 7, 2010, which will be the effective date of the ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/16/10 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
100309_DraftOrdinance_20100916.pdf

PLAN BOARD PETITIONS

100327.

Legacy Planned Development (PD) Rezoning (B)

Petition PB-09-116 PDV. Causseaux, Hewett, and Walpole, Inc., agent for Legacy Fountains, LLC. Rezone property from PS (Public services and operations district) to PD (Planned development district) to allow a residential, commercial, office, and retail development. Located at 1420, 1424, 1428, 1432 Southwest 52nd Street. Related to Petition PB-09-115 LUC.

Explanation: This is a request to rezone 5.07 (MOL) acres of land from PS (Public service and operations district) to PD (Planned development district) to allow a neighborhood-scale, mixed-use development. The City of Gainesville is also considering an associated small-scale land use amendment (Petition No. PB-09-115 LUC) that will change the existing REC (Recreation) land use category to PUD (Planned Use District). According to Policy 4.1.1 of the Future Land Use Element, PD (planned development) zoning is required to implement the PUD land use category.

Land surrounding the subject property is primarily zoned for multi-family residential development. One exception is City-owned property located on the north side of Southwest 20th Avenue, just east of I-75. This property is within a PS (Public services and operations district) zoning district and is used for utility purposes.

The proposed PD allows multi-family residential dwelling units and non-residential uses on the subject property. All of the allowable uses are permitted by right. The allowable uses will be housed in buildings that are up to 3 stories in height. The buildings will be designed to accommodate a vertical and horizontal mix of the allowable uses based on traditional design standards. The buildings may also be attached or detached.

Key issues affecting the development of the subject property include a Progress Energy easement that extends along the full length of the north property line. Permission to use the easement has not yet been granted, and no alternatives are proposed for consideration with this request if use of the easement is denied. The applicant must also demonstrate full compliance with the level-of-service standards within the elements of the 2000-2010 Comprehensive Plan.

Further details of the proposed PD are shown on the PD Layout Plan Map, and within the PD Report, that have been filed in association with this petition.

Public notice was published in the Gainesville Sun on August 10, 2010. Letters were mailed to surrounding property owners on August 10, 2010.

The City Plan Board considered Petition PB-09-116 PDV at a public hearing held August 26, 2010. By a vote of 5-0, the City Plan Board approved the petition and the associated PD Layout Plan Map and PD Report subject to the conditions recommended in the staff report and Appendix E.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-09-116 PDV and the associated PD Layout Plan Map and PD Report subject to the conditions recommended in the staff report and Appendix E.

Staff to City Plan Board - Staff recommends that Petition PB-09-116 PDV be approved with the associated PD Layout Plan Map and PD Report subject to the conditions recommended in the staff report and Appendix E.

Alternate Recommendations -

The City Commission approve Petition PB-09-116 PDV as submitted.

The City Commission deny Petition PB-09-116 PDV.

100327_pb recommended conditions_20101007.pdf
 100327A_staff report_20101007.pdf
 100327B_appendix A_20101007.pdf
 100327C_appendix B_20101007.pdf
 100327D_appendix C_20101007.pdf
 100327E_appendix D_20101007.pdf
 100327F_appendix E_20101007.pdf
 100327G_100826 cpb minutes draft_20101007.pdf
 100327H_staff ppt_20101007.PDF

Gainesville 2000-2010 Comprehensive Plan (B)**Petition PB-10-97 MSC. City Plan Board. Review the Evaluation and Appraisal Report (EAR) on the City of Gainesville 2000-2010 Comprehensive Plan, pursuant to Section 163.3191, Florida Statutes.**

Explanation: The City of Gainesville 2000-2010 Comprehensive Plan is a vision document for guiding the continuing development and evolution of the City. It is comprised of 15 elements that range from future land use, transportation, and conservation, to public school facilities and historic preservation. The ten-year planning horizon is reflected in the current 2000-2010 City of Gainesville Comprehensive plan, the evaluation and appraisal of which comprises the Evaluation and Appraisal Report (EAR) report and creates a foundation for development of the 2010-2020 comprehensive plan.

Per Florida Statutes, the City of Gainesville and other local governments are required to adopt an EAR approximately once every seven years. The EAR is prepared by the City Plan Board and analyzes the City's progress in implementing its comprehensive plan, accounting for changes in population, land area, development activity, and regional and state policy. The EAR combines this analysis with an updated vision for the future and provides recommendations as to how the comprehensive plan should be amended.

Preparation of the EAR began in early 2009 with organizational meetings, followed by an extensive series of public meetings designed to maximize public participation in development of the major issues and element-based recommendations. The Major Issues document dated October 15, 2009 was accepted by the City Plan Board on October 22, 2009, endorsed by the City Commission on December 17, 2009, and sent to the Florida Department of Community Affairs (DCA) with a request for a Letter of Understanding. DCA issued its Letter of Understanding on January 15, 2010 and stated its agreement with the summary of issues set forth in the major issues document.

The EAR contains chapters on community assessment, major issues, assessment of comprehensive plan elements, and has appendices. The Community Assessment chapter provides a snapshot view of the City, including analysis of changes since the current comprehensive plan was adopted. Population, land area, and land use; location of development; and financial feasibility of the comprehensive plan are addressed.

The Major Issues chapter identifies and assesses the City's eight major issues and represents a critical step in the EAR process. These issues, developed through a public participation process that included numerous public workshops and presentations (including a voluntary scoping meeting), represent the key concerns of the citizens of Gainesville, the City Plan Board, and the City Commission. They have been reviewed against the adopted comprehensive plan to assess how they are addressed by existing policy, and recommendations are provided for how the comprehensive plan may be amended to better address these community concerns.

Staff has concluded that the proposed Evaluation and Appraisal Report on the

2000-2010 City of Gainesville Comprehensive Plan: reflects the major issues identified by the citizens of Gainesville, the City Plan Board, and the City Commission; meets the requirements of Section 163.3191, Florida Statutes for evaluation and appraisal of a comprehensive plan; and that it should be approved.

Public notice was published in the Gainesville Sun on August 31, 2010. The Plan Board held a public hearing on September 15, 2010.

Fiscal Note: None.

RECOMMENDATION

Staff to City Commission - The City Commission approves the resolution and Petition PB-10-97 MSC as recommended by Staff, and transmit the EAR to the Florida Department of Community Affairs.

City Plan Board to City Commission - Approve Petition PB-10-97 MSC, and recommend that the City Commission adopt the EAR. The Plan Board voted 4:0.

Staff to City Plan Board - Approve Petition PB-10-97 MSC.

100380_staff report_20101007.pdf
100380A_chapter 1-5_appendix A_20101007.pdf
100380B_appendix B element matrices_pt 1_20101007.pdf
100380C_appendix B element matrices_pt 2_20101007.pdf
100380D_appendix B_element matrices pt 3_20101007.pdf
100380E_100915 cpb minutes_20101007.pdf
100380F_staff ppt_20101007.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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