

# **City of Gainesville**

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



## **Meeting Agenda**

**August 14, 2006**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

***Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Craig Lowe (District 4)  
Commissioner Rick Bryant (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Ed Braddy (District 2)  
Commissioner Jack Donovan (District 3)***

***Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone***

## 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

### 050661.

#### **Second Extension to the Contract for Cellular Phone Service with Alltel Communications Inc. (B)**

**This item involves a request for the City Commission to extend the term of the contract for one year with Alltel Communications Inc.**

*Explanation: The City of Gainesville entered into a two-year agreement with Alltel Communications Inc. on October 1, 2003 to provide cellular phone service. Upon satisfactory and faithful performance of the contract with Alltel Communications Inc., the City reserved the right, through negotiation with the Contractor, to extend the term of the contract for a 12-month period with a maximum of three (3) such extensions. This is the second one-year extension to the term of the contract.*

*Fiscal Note: Funds are budgeted in each department's budget for cellular phone service. The fiscal impact for FY 2005 was \$83,614.22.*

#### **RECOMMENDATION**

*The City Commission authorize the City Manager or designee to execute the Second Extension to the agreement with Alltel Communications Inc. for cellular phone service, extending the term of the agreement from October 1, 2006 to September 30, 2007.*

*Alternative Recommendation A:*

*The City Commission decline to execute the Second Extension to the agreement with Alltel Communications Inc., and direct staff to issue a RFP for cellular phone service. The fiscal impact would be unknown until bids were opened.*

*Alternative Recommendation B:*

*The City Commission decline to execute the Second Extension to the agreement with Alltel Communications Inc. for cellular phone service and cease providing cell phones for employees to conduct City business. The fiscal impact would be unknown since employees would have to find other means of communication.*

**Legislative History**

1/9/06 City Commission Approved as Recommended (4 - 0 - 3 Absent)  
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**051112.****Purchase of Playground Equipment for the Phoenix Subdivision Easement Property (B)**

**This item involves the approval to purchase playground equipment and its installation on the conservation easement in the Phoenix Subdivision deeded to the City of Gainesville.**

*Explanation: In 2002, the City annexed a large tract of land in the southwest quadrant of Gainesville, adding approximately 15,000 residents to the City's population. Increased recreation opportunities for Phoenix Subdivision residents were promoted as one of the benefits of annexation. Because the area was previously unincorporated, there were no existing City recreation and park facilities within the area.*

*On August 30, 2004, during the City of Gainesville General Government FY 2005/2006 Budget update, the City Commission approved \$100,000 for a project titled "Land Development - Phoenix Playground". It was the City's goal to find, secure and provide recreational facilities in that general area.*

*In February 2005, the Phoenix Homeowners Association voted by a 2/3 majority to deed to the City of Gainesville a common area within the subdivision, for the purpose of installing children's playground equipment. A special warranty deed to convey this land to the City of Gainesville was recently executed. All land use, zoning and easement changes to accommodate this project have been made.*

*Two conceptual layouts of the playground area have been reviewed by the Phoenix Subdivision Homeowners Association board, and on July 12, 2006 the board unanimously approved the plan that included playground equipment from*

*Bliss Products. The cost of the playground equipment totals \$55,143. In addition to the playground equipment, additional features will be purchased such as benches, picnic tables, a grill, trash receptacles, a mulched area with wooden border, signage and a water fountain. The cost for these items totals \$4,561.*

*Fiscal Note: The total cost for the playground equipment and added features will be \$59,704. Funding for this capital purchase is available in Capital Fund 302 M323.*

**RECOMMENDATION**

*Recommended Motion: The City Commission 1) authorize the re-appropriation of Capital Fund 302 M323 for the purpose of purchasing playground equipment and related features to be installed at the Phoenix Subdivision in the amount of \$59,704.; and 2) authorize the use of the remaining funds within Capital Fund 302 M323, for the purchase of additional playground equipment and related features at other city parks as part of our program to upgrade the parks.*

*Alternative Recommendation A: The City Commission deny the purchase and installation of the playground equipment at the Phoenix Subdivision.*

**Legislative History**

4/10/06 City Commission Approved as Recommended (4 - 0 - 3 Absent)

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**060278.**

**Annexation of City-owned Parcels Adjacent to the Deerhaven Generating Station (B)**

**This is the submission of a petition for voluntary annexation of City-owned land in the area of Deerhaven Power Plant.**

*Explanation: The City of Gainesville initiated five (5) real estate transactions that acquired property adjacent to the Deerhaven Generating Station. The first parcel, consisting of 1153 acres, was purchased on November 13, 2001 and the second two (2) parcels consisting 647.43 acres and 476.36 acres were purchased on December 19, 2002. A fourth parcel of 40.80 acres was acquired on February 4, 2003, and an exchange of property already owned by the City of Gainesville with FDOT was completed on December 16, 2005. The properties are located south of sections 13, 14, and 15, Township 9 S and Range 19 E, west of State Road 121, north of the City Limits, and east of US 441. Staff has reviewed the requirements of the Boundary Adjustment Act. This area meets the requirements of the Act and is appropriate for annexation. The parcels are vacant.*

*In order to annex these parcels into the City limits, the owner must submit a*

*petition to the City of Gainesville for voluntary annexation. As the owner, the Mayor, on behalf of the City, must execute a petition for voluntary annexation.*

*Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.*

**RECOMMENDATION**

*The City Commission: 1) authorize the Mayor, as agent for the City, to sign the petition for voluntary annexation; 2) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agent; 3) direct the City Manager to analyze the area; and, 4) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.*

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**060295.**

**Sunday Paratransit Service Contract Between the City of Gainesville and MV Transportation, Inc. (B)**

**This item involves a request for MV Transportation, Inc., to provide Sunday paratransit service for the Regional Transit System (RTS) starting Sunday, August 27, 2006.**

*Explanation: Beginning August 27, 2006 RTS will add Sunday service to its existing six day fixed route schedule. Because the American with Disabilities Act requires paratransit service for this addition to the fixed route schedule a supplemental agreement is needed with the service provider. Sunday service is new and there are no historical records for predicting demand so a trial period of 90 to 120 days is judged necessary to develop a sense of the demand and the cost for the added service. The agreement for the supplemental service sets the cost, \$30 per trip, and allows the trial period to begin consistent with the beginning of the Sunday service on August 27, 2006. The agreement also allows for extension of the term of the agreement for various periods.*

*Fiscal Note: Funding for this contract in the amount of \$45,000 is available in the RTS FY 06 and FY 07 operating budgets.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute a contract with MV Transportation, Inc., for the period of August 27, 2006 to December 23, 2006 for Sunday paratransit service; and 2) authorize the City Manager to execute any and all related documents.*

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**060296.**

**First Amendment to the Contract for Sidewalk Construction/Replacement Services (B)**

**This item involves an amendment to the contract for sidewalk construction/replacement services with JoyTech Construction, Inc.**

*Explanation:* The current annual services contract for sidewalk construction/replacement services is with JoyTech Construction, Inc. Over the past year, costs for concrete, steel and petroleum products have increased substantially. Due to this increase in cost, the original unit bid prices have increased approximately twenty-five percent (25%). This Amendment will allow us to accommodate this cost increase by revising the original agreement to allow for a price increase prior to the second annual extension and will incorporate the revised fee schedule.

*Fiscal Note:* Funding sources will be identified as needed from the City capital project budgets. The Public Works Department anticipates the cost of the contract for the next year to be approximately \$200,000.

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the First Amendment to the Contract with JoyTech Construction, Inc., for Sidewalk Construction/Replacement Services.*

*Alternative Recommendation A: The City Commission deny the recommendation for the First Amendment and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.*

*Alternative Recommendation B: The City Commission deny the recommendation for the First Amendment and direct the City Manager to initiate advertising for new bids for the construction of sidewalks and other related concrete roadway facilities. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.*

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**060304.**

**Year-Two Continuation Funding for the State Division of Cultural Affairs for General Support Award (B)**

**This item involves the acceptance of the year-two continuation of a three-year general support grant from the State of Florida's Division of Cultural Affairs.**

*Explanation:* The State of Florida's Division of Cultural Affairs has awarded the City of Gainesville's Division of Cultural Affairs \$22,734 as a year-two continuation of a three-year general support grant. State guidelines stipulate that Local Arts

*Agencies must demonstrate that they: 1) engage in an active, broad-based, strategic planning process; 2) actively service and promote arts organizations and constituencies; and 3) cooperate with other agencies of commerce, tourist development councils, downtown development authorities and the Division, to further cultural goals and objectives.*

*Funding under this grant agreement will provide general program assistance for July 1, 2006 through June 30, 2008. A cash grant match equal to the awarded grant amount is required.*

*Fiscal Note: Contingent upon adoption of the City's budgets for these periods, matching funds equal to the amount of the grant award will be provided from within the department's budget.*

**RECOMMENDATION**

*The City Commission: 1) accept the grant award; and 2) authorize the City Manager or his designee to execute the grant application and subsequent agreement on behalf of the City.*

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**060336.**

**Authorization to advertise an ordinance expanding the boundaries of the Eastside Community Redevelopment Area and setting the base taxable value for the expanded area (NB)**

**This item authorizes the City Attorney to draft the ordinance related to the Eastside Redevelopment Plan, and the Clerk to advertise the ordinance.**

*Explanation: In January 2006, the City decided to update the Eastside Redevelopment Plan (adopted in 2001) including, if appropriate, the proposed expanded area. As part of the update to the Redevelopment Plan, the City retained Asset Property Disposition (APD), Inc. to investigate and document blight conditions in an area just south of the existing Community Redevelopment Area for possible inclusion. The Eastside Redevelopment Plan was prepared to not only update the existing Eastside Redevelopment Plan, but also to address the conditions of blight that were identified in the Expansion Area in the Findings of Necessity report, adopted by the City Commission on July 10, 2006.*

*The Eastside Redevelopment Plan will be reviewed by the Community Redevelopment Agency on August 21, 2006 and the City Commission public hearing would then be held on August 28, 2006 to consider a resolution adopting the amended Eastside Redevelopment Plan.*

*The City Manager requests that the City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance expanding the boundaries of the Eastside Community Redevelopment Area and setting the base taxable value for the expanded area. The first reading of the ordinance is contingent on the adoption of the Redevelopment Plan prior to the reading of the ordinance earlier on August 28, 2006.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Manager to the City Commission: The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance expanding the boundaries of the Eastside Community Redevelopment Area and setting the base taxable value for the expanded area.*

*Alternative Recommendation A: Do not authorize the City Attorney to prepare and the Clerk of Commission advertise an ordinance expanding the boundaries of the Eastside Community Redevelopment Area and setting the base taxable value for the expanded area.*

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****060318.****Personnel Services for Utility Professionals and Engineers (B)**

**Staff recommends approval of the final ranking of firms that offer personnel services for utility professionals and engineers and authorization to negotiate contracts with the four top-ranked firms.**

*Explanation: Utilities Purchasing issued a Request for Statement of Qualifications (RFSQ) for personnel services for utility professionals and engineers to seven firms for various department projects to assist staff with specific tasks. These tasks include providing support to staff in areas such as project management, planning and scheduling, inspection, quality assurance and technical support. The majority of this support will be utilized on major capital projects within the operational areas of the utility.*

*Five firms submitted Statements of Qualifications, which were ranked after evaluation of the submittals and discussions with the firms in accordance with the criteria established in the RFSQ. The four top-ranked firms provide personnel services with expertise in utility enterprise related projects. Each firm has its own unique focus and expertise in various utility subject matters, making it desirable to establish multiple contracts to meet the diverse needs within the Utility's operational areas. Staff is recommending initiating contract negotiations with the four firms in the order of ranking listed below. A tabulation of the evaluation is attached for your reference. 1) Aerotek; 2) The PIC Companies; 3) Precision Resource Company and 4) MTI Moten Tate, Inc.*

*Fiscal Note: Funds for these services are in the FY 2007 budgets of the respective departments and will be requested in subsequent year budgets.*

**RECOMMENDATION**

*The City Commission: 1) approve the final ranking of the qualified firms in the given order of preference for the provision of personnel services for utility professionals and engineers; 2) authorize the Interim General Manager, or her designee, to initiate contract*



negotiations with the four top-ranked firms; and 3) authorize the Interim General Manager or her designee, upon successful negotiations, to execute three year contracts with the firms, subject to approval of the City Attorney as to form and legality and final appropriation of funds for each year of the contract.

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## CITY ATTORNEY, CONSENT AGENDA ITEMS

**060306. Professional Legal Services for Emergis U.S. Patent No. 6,044,362 - "The 362 Patent", Relating to Claimed Intellectual Property Rights of Emergis, Inc.**

**Retain Holland and Knight to provide legal services relating to the evaluation of and a response to assertions by Emergis, Inc., of certain intellectual property rights requiring GRU to obtain a license under these rights.**

*Explanation:* On December 19, 2005, GRU received a letter addressed to the General Manager from the law firm of Kirkland & Ellis, LLP representing Emergis, Inc. ("Emergis"). The letter was sent to offer GRU a license under the Emergis intellectual property in the field of Electronic Invoicing, Payment and Presentation (EIPP), including in particular, Emergis's U.S. Patent No. 6,044,362 ("the "362 Patent"). The "362 Patent" broadly discloses and claims a system for automated bill presentment and payment from a wide variety of different user terminals, including but not limited to, a personal computer. This patent was strategically prosecuted with enforcement in mind. Because many companies have adopted electronic invoicing and payment systems, Emergis intends to commercialize its EIPP technology by licensing it to others. GRU, as well as several other utility companies that are members of the American Public Power Association (APPA), have also received the same notice from legal counsel of Emergis. Orlando Utilities Commission has recently been sued by Emergis for allegedly infringing upon the "362 Patent" by use of its automated billing/payment system by its customers. Because a patent infringement claim can be very costly and is a highly specialized area of the law, in January, 2006, GRU in consultation with the City Attorney's Office retained the legal services of Holland and Knight LLP to evaluate the "362 Patent". The evaluation has just been completed; however legal expenses to prepare the evaluation exceeded the \$25,000 limit set forth in the City's Purchasing Policies. Given the complexity of the issue, it is probable that additional advice from Holland and Knight will be required.

*Fiscal Note:* Expenses to date relating to this matter are \$30,844.00. Future expenses will be dictated by actions of the patent holder, but staff do not anticipate such to be greater than \$20,000.00. Funds for these services are included in the GRU budget.

**RECOMMENDATION**

*Authorize the City Attorney to retain the law firm of Holland and Knight LLP, to provide legal services*

*relating to the evaluation of an response to assertions by Emergis, Inc., of certain intellectual property rights requiring GRU to obtain a license under these rights.*

**060315.****OCCUPATIONAL LICENSE CHALLENGE (NB)**

*Explanation: On July 5, 2006, the City Attorney's Office was made aware of a decision on a lawsuit arising out of the City of Tampa's occupational license fee, challenging the assessment of the fee as to attorneys. The lawsuit requested that the court certify a class of plaintiffs, i.e. all the attorneys in the State of Florida, and a class of defendants consisting of all counties and cities in the State with an occupational license fee, approximately 225 cities and counties. The lawsuit seeks a declaration that the assessment of the occupational license fee is unlawful as applied to attorneys and seeks refund of all fees paid for the four years prior to the filing of the lawsuit.*

*On June 21, 2006 the judge certified both a plaintiff and a defendant class and appointed an assistant City Attorney from Tampa to represent the Defendant class (all the cities and counties). The City of Tampa has filed an appeal challenging the certification of the class.*

*Upon learning of the decision the City Attorney's office suggested to the League of Cities that it put together a consortium of cities to file an amicus brief opposing the certification of the defendant class as this decision could have a significant impact on affected cities and counties. Significant differences between different cities' and counties' occupational license fee ordinances makes it inappropriate for a Court to treat all ordinances alike. In addition, one attorney's office has been appointed to represent the potentially diverse interests of all the cities and counties. Finally, this case could have a significant financial impact, with the cities and counties returning fees paid over a number of years.*

*Recently the City Attorney's Office has been contacted about becoming a named party in the filing of an amicus brief. It is the recommendation of this office that the City Commission authorize the City to become a named party in the filing of the amicus brief. This will allow this Office to ensure that the City of Gainesville's interests are properly represented in this case. The Florida League of Cities has requested the City of Gainesville to contribute \$2500 to offset the cost of retaining an appellate attorney in this case.*

*Fiscal Note: Funds are available in our professional services account.*

**RECOMMENDATION**

*The City Commission authorize the City to join as an amicus curiae in a brief filed in the Second District Court of Appeal by the Florida League of Cities.*

**060316.****EEOC CHARGE NO. 510-2006-03022 LUIS CASTRO VS. THE CITY OF GAINESVILLE (B)**

*Explanation: On July 31, 2006, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Mr. Luis Castro alleges discrimination due to his national origin and age after he was not offered the position of Firefighter for which he applied.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the case styled Luis Castro vs. the City of Gainesville; EEOC Charge No.: 510-2006-03022.*

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**060317.****ELLA GODBOLT WHITFORD F/K/A ELLA Z. GODBOLT VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-06-CA-2941 (B)**

*Explanation: On July 26, 2006, the City of Gainesville was served with a summons and complaint. Ms. Ella Godbolt Whitford, a former Transit Operator with RTS, alleges retaliatory discharge after filing a claim for workers' compensation benefits. She seeks money damages from the City.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the case styled Ella Godbolt Whitford f/k/a Ella Z. Godbolt vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-06-CA-2941.*

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**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****060299.****City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of July 17, 2006; July 18, 2006; July 20, 2006; July 25, 2006; and July 27, 2006 (Special Budget Meetings); and July 24, 2006 (Regular Meeting); as circulated.*

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**060323.****Resignation of Advisory Board/Committee Member Daniel Antoine (B)****RECOMMENDATION**

*The City Commission accept the resignation of Student Adjunct Member Daniel Antoine from the Fire Safety Board of Adjustment effective July 25, 2006.*

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**060324.****Resignation of Advisory Board/Committee Member Dr. Clarissa Confer (B)****RECOMMENDATION**

*The City Commission accept the resignation of Dr. Clarissa Confer from the Nature Centers Commission effective August 17, 2006.*

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**060325.****Resignation of Advisory Board/Committee Member Dr. John Confer (B)****RECOMMENDATION**

*The City Commission accept the resignation of Dr. John Confer from the Nature Centers Commission effective August 17, 2006.*

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**060262.****Advisory Board/Committee Appointments to the Gainesville Code Enforcement Board (NB)****RECOMMENDATION**

*The City Commission appoint Alfonso T. Atwaters for a term to expire August 1, 2009, to the Gainesville Code Enforcement Board.*

*Commissioner Braddy: Atwaters*

*Commissioner Bryant: Atwaters*

*Commissioner Donovan: Atwaters*

*Commissioner Henry: Atwaters*

*Commissioner Lowe: Atwaters*

*Commissioner Mastrodicasa: Atwaters*

*Mayor Hanrahan: Atwaters*

**Legislative History**

7/24/06 City Commission Continued

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC SAFETY COMMITTEE, CONSENT****060113. Use of City Streets for Fundraising (NB)**

*Explanation: On June 12, 2006 the City Commission authorized the City Attorney to work with the City Manager to draft and refer to the Public Safety Committee alternative ordinance amendments to Chapter 19, Article V of the Gainesville Code of Ordinances related to street solicitation by nonprofit agencies.*

*On July 13, 2006 the Public Safety Committee heard from City Attorney staff who, after consulting with a specialist in First Amendment Rights, will be recommending minimal modifications to the ordinance to make it clearer for those who are involved in soliciting on behalf of organizations. The proposed amendments will tighten the definition of "right of ways" and safeguard the constitutional rights of the citizens to use the city's streets and sidewalks, while protecting the public's right to safely use the streets and sidewalks for travel.*

**RECOMMENDATION**

*The City Commission 1) accept the Public Safety Committee's recommendation to authorize the City Attorney to prepare the necessary ordinance amendments to Chapter 19, Article V of the Gainesville Code of Ordinances, and 2) remove this item from the Public Safety Committee's pending referral list.*

**Legislative History**

6/12/06	City Commission	Approved as Recommended (7 - 0)	
6/12/06	City Commission	Referred	Public Safety Committee
7/13/06	Public Safety Committee	Discussed	

**REGIONAL UTILITIES COMMITTEE, CONSENT****050791.****Regional Utilities Committee (RUC) Outstanding Referral #050791 - Undergrounding Utilities in the Fifth Avenue Pleasant Street CRA Area (NB)**

*Explanation: At the December 19, 2005 meeting of the Community Redevelopment Agency*

*(CRA) members heard concerns from the Fifth Avenue Pleasant Street Advisory Board regarding undergrounding on the NW 5th Avenue streetscape and model block. At the request of the CRA, the City Commission referred the issue of underground utilities and funding on these projects to the RUC for a report. On July 6, 2006 the RUC heard a report on the utility's streetscape partnership with the CRA and a discussion of the model block area. The presentation included a progress report on NW 5th Avenue projects and a report on the model block utilities issues from GRU and CRA staff. The RUC heard that funding for undergrounding in FAPS is shared by GRU and the CRA, with the CRA funding civil infrastructure and lighting and GRU funding electrical infrastructure, offsite integration and utilities relocations. The RUC heard that significant progress has been made on the initial phases of the NW 5th Avenue undergrounding and that the model block utilities issues have been appropriately resolved.*

**RECOMMENDATION**

*The City Commission remove this item from the Regional Utilities Committee referral list.*

**Legislative History**

1/23/06	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
1/23/06	City Commission	Referred Regional Utilities Committee
2/9/06	Regional Utilities Committee	Deferred
7/6/06	Regional Utilities Committee	Approved as shown above (See Motion)

**AUDIT, FINANCE and LEGISLATIVE COMMITTEE, CONSENT****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****060320. Joint Student Senate Meeting (NB)****RECOMMENDATION**

*The City Commission consider scheduling a joint meeting with the University of Florida Student Senate.*

**CITY MANAGER**

**060223.****Request to Notify Solid Waste Haulers of Intent to Issue Exclusive Franchise Rights for Commercial and Residential Solid Waste Collection (B)**

**This item involves a request by the Solid Waste Division of the Public Works Department to notify solid waste haulers of intent to issue exclusive franchise rights for commercial and residential solid waste collection.**

*Explanation: The City of Gainesville has a long-standing relationship with Alachua County since the early 1980s when the City started taking solid waste to the County's landfill. In December of 1998, the County opened up the Leveda Brown Environmental Park and Transfer Station and entered into a contract with the New River Landfill for final disposal of municipal solid waste. The City also entered into an interlocal agreement with the County to direct all residential solid waste to the County's Transfer Station.*

*In 2004, the County was faced with a budget shortfall due to a shortage of tonnage coming into the transfer station. The shortage was tied directly to the commercial waste stream not being delivered to the transfer station. The financial stability of the transfer station is dependent upon receiving all the waste in the County.*

*In an attempt to secure all commercial waste generated in the City, a revised interlocal agreement between the City and the County allowing commercial haulers to pay a lower disposal rate than the rate the City was paying was approved by the City Commission. In order for the local haulers to receive this lower disposal rate, they were required to sign an agreement that guaranteed all commercially collected refuse in the County would be delivered to the County Transfer Station. Although these steps have been taken, other measures are being reviewed to further secure the solid waste stream for the County Transfer Station.*

*One approach to further guarantee the commercial waste streams from City businesses will be delivered to the County Transfer Station is to implement exclusive franchised commercial collection. Franchising commercial collection would also enhance our next bid for residential refuse collection by increasing the appeal of our contract to potential bidders.*

*Section 403.70605, Florida Statutes, provides that a local government may not displace a private company that provides garbage, trash or refuse collection service without holding a public hearing, with 45 days notice of the hearing by first class mail to each company. After the public hearing, the local government must give three years' notice before beginning the service that displaces the private companies advertising the intent to franchise commercial and residential solid waste collection now would coincide with the bidding of the new curbside collection contract. Initiating this process does not require the City to implement franchised commercial and residential collection; however, it does start the three year notice. Continuing this process would be a positive gesture in fostering a supportive working relationship with the County Solid*

*Waste Division.*

*Fiscal Note: Securing the entire solid waste stream for disposal at the County Transfer Station would aid in controlling the disposal cost for the City's solid waste system.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the publication of the notice of intent and the public hearing to consider whether to authorize one or more exclusive franchises for the provision of solid waste services to commercial properties within the City.*

*Alternative Recommendation A: The City Commission deny the request to notice the intent to issue exclusive franchise rights for commercial and residential solid waste collection which would keep current disposal cost controls in place.*

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**060289.**

**Legislative Update (B)**

**The City Commission will receive an update from staff on the Florida League of Cities' Legislative Priorities Development Process, and will discuss representation from the Commission.**

*Explanation: The City has received a memorandum from the Florida League of Cities announcing a revised structure to the League's current legislative policy development process. In an effort to get more cities involved in the process, the League is requesting that each city be represented on one or more of the League's Legislative Councils. The Councils will address and consider a wider range of issue areas that affect Florida's municipalities and will focus discussion on issues that will be debated in the Florida Legislature. The League recommends that a city have only one representative on a given council, but a city can have a representative on each of the four councils.*

*The four Councils are:*

*Municipal Service Delivery Council*

*Urban Planning Council*

*Fiscal Stewardship Council*

*Home Rule Administration Council*

*Participation requires attendance at four meetings a year to establish the League's Legislative Priorities. The proposed Council meeting dates are as follows:*

*September 15, 2006 at the Orlando World Center Marriott*

*October 20, 2006 at the Orlando World Center Marriott*

*November 16, 2006 at the Hyatt Orlando Airport in conjunction with the Florida League of Cities' Legislative Conference*

*August 16, 2007 at the Orlando World Center Marriott in conjunction with the Florida League of Cities' Annual Conference*



*The Legislative Council sign-up forms must be returned to the League by fax no later than August 18, 2006.*

**RECOMMENDATION**      *The City Commission receive a report from staff and take action if appropriate.*

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**060292.**

**Sponsorship of Campus and Community Sustainability Conference (B)**

**The City Commission will consider a request from the University of Florida for sponsorship of the Campus and Community Sustainability: Sharing Best Practices for Florida's Future Conference at the Sand Hill Crane (Silver) level in the amount of \$1,000 or as a host for one of the breakfasts (\$500) or one of the lunches (\$750).**

*Explanation: At the July 24, 2006 City Commission meeting, the City Commission received a request that the City consider sponsorship of the Campus and Community Sustainability Conference. The City Commission expressed interest and requested staff to examine the request and return with a recommendation as to sponsorship and the level.*

*This will be a two-day conference October 25 and 26, 2006, and is expected to draw as many as 300 attendees. The proposed outline for the conference indicates that it will provide a venue for the exchange of best practices and visions among Florida's universities, colleges and communities. A specific aim of the conference is to facilitate the integration of sustainability principles into issues such as Growth Management/Water/Land Use, Food/Energy/Waste, Economic Development, and Built Environment and related issues.*

*The Sandhill Crane (Silver) level of sponsorship is \$1,000. Sponsors at this level receive their name listed on the conference website, with a corresponding web link, the name listed on printed conference materials, the name listed on promotional materials provided to all registrants, a table on the Reitz Union Colonnade (valued at \$450), and two (2) complimentary conference registrations, including evening sessions (valued at \$360).*

*Fiscal Note: Funds in the amount of \$1,000 are available in City Commission Contingency Funds for sponsorship at the Sand Hill Crane (Silver) level, as well as available in the lesser amounts of \$500 or \$750 for the City to serve as a host for one of the breakfasts (\$500) or for one of the lunches (\$750).*

**RECOMMENDATION**      *The City Commission sponsor the Campus and Community Sustainability Conference at the Silver level (\$1,000).*

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**GENERAL MANAGER FOR UTILITIES**

**060319. New Public Utilities Regulatory Policy Act (PURPA) Standards (NB)**

**The City Commission receive a presentation from staff describing how consideration of new Public Utility Regulatory Policies Act (PURPA) standards has begun.**

*Explanation: The Public Utility Regulatory Policies Act of 1978 (PURPA) was enacted as part of the National Energy Act in response to the concerns related to the 1974 OPEC oil embargo. Among its provisions, PURPA required each state regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility with retail electric sales in excess of 500,000,000 kilowatt hours to consider a list of standards regarding generator interconnections, energy conservation, efficient use of facilities and resources, electric metering, and equitable rates. GRU falls into this later category and has complied with all PURPA requirements to date.*

*The Energy Policy Act of 2005 added five additional standards to PURPA standards that state commissions and nonregulated utilities must consider and determine their applicability (under formal procedures for public notification). These include Section 1252 (time based metering and communications); Section 1254 (interconnection standards for distributed resources), and Section 1251 (net metering, fuel diversity, and fossil fuel generation efficiency).*

*Consideration of the applicability of Section 1252 and 1254 standards ("smart metering" and interconnection) must begin at least one year before a formal determination is made by August 8, 2007. Consideration of the applicability of Section 1251 standards (net metering, fuel diversity and fossil fuel generation efficiency) must begin at least one year before a formal determination is made by August 8, 2008.*

*The studies and budget proposed in the FY 2007-2008 budget constitute commencement of consideration for the "smart metering" standard and we already have begun reviewing our existing interconnection standard in accordance with the new PURPA requirements. We intend to make a recommendation and present it at a public hearing, yet to be scheduled, on the new Section 1252 and 1254 PURPA standards. Final action must be taken by the City Commission on or before August 8, 2007.*

*We currently have a net metering standard and consideration of fuel diversity and generation efficiency is a key consideration of ongoing planning activities. We intend to make a formal recommendation and present it at a public hearing, yet to be scheduled, on the new Section 1251 PURPA standards. Final action must be taken by the City Commission on or before August 8, 2008.*

**RECOMMENDATION**

*The City Commission receive a presentation from staff describing how consideration of new Public Utility Regulatory Policies Act (PURPA) standards related to "smart metering", generation interconnection, net metering, fuel diversity, and fossil fuel generation*

*efficiency, as required by provisions enacted by Sections 1251, 1252, and 1254 of the 2005 Energy Policy Act, has begun.*

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

**060198.**

**Amendments to Vehicles for Hire Ordinance (B)**

**This item requests the City Commission accept the Public Safety Committee recommendations for amendments to the Vehicles for Hire Ordinance.**

*Explanation: On April 11, 2005 the City Commission authorized the City Attorney to draft amendments to the Vehicles for Hire Ordinance and directed staff to refine the permitting process and recommendations that had come from the Public Safety Committee discussions that began in August 2004.*

*As a result of this referral from the City Commission, Gainesville Police Department (GPD) staff worked with the legal department in reviewing and updating the Vehicle For Hire ordinance. The purpose of updating the ordinance was to create a better enforcement process for violators; create an application and permit process to improve the quality and equitable business practice of Gainesville's taxi service; while focusing on protection of health, safety and welfare of the residents and visitors to the community. A medallion process that readily identifies a particular taxi's compliance and better coordination with the airport were also to be reviewed and discussed.*

*GPD staff did the following work on updating the ordinance:*

- Contacted other cities (Orlando and Jacksonville) to determine how these cities handle Vehicles For Hire in their respective cities.*
- Held meetings with GPD staff, members of Gainesville Regional Airport administration, and with other city departments to determine how best to structure the ordinance to increase professionalism by vehicle for hire*

companies.

· Several revisions of a draft ordinance were discussed among interested parties over a period of many months, and a medallion system was created that identifies properly permitted cabs, along with a system of background checks and photo ID's for cab drivers.

On July 13, 2006 the Public Safety Committee reviewed the new draft version of the ordinance and is recommending approval of the amendments as presented by staff.

*Fiscal Note:* There is no fiscal impact to the City, however, the Finance Department is recommending that the minimal cost of the decal be passed on to the customer in the form of a permit fee, collected by the Finance Department, along with the other required fees.

**RECOMMENDATION**

*Recommended Motion: The City Commission 1) accept the Public Safety Committee's recommendation for new amendments to the Vehicle for Hire Ordinance, 2) authorize the City Attorney to draft the ordinance amendments in substantially the same form as included in the backup, with the addition of sexual orientation to the non-discrimination section, 3) direct staff to incorporate the changes into the permitting process, including education to the Vehicle for Hire owners and drivers; and 4) remove this item from the Public Safety Committee's pending referral list.*

**Legislative History**

7/10/06	City Commission	Approved as Recommended (7 - 0)	
7/10/06	City Commission	Referred	Public Safety Committee
7/13/06	Public Safety Committee	Discussed	

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## **EQUAL OPPORTUNITY COMMITTEE**

## **ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

## **OUTSIDE AGENCIES**

## **MEMBERS OF THE CITY COMMISSION**

### **060342. Mayor Pegeen Hanrahan - University of Florida 100th Anniversary (NB)**

**RECOMMENDATION**

*The City Commission authorize staff to work with the University of Florida on their 100th Anniversary of being in Gainesville to include a historic tour of the City and University.*

**COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****060326.****Youth Awareness Program - August 14, 2006 (B)**

**RECOMMENDATION**      *Youth Awareness Program coordinator Wayne L. Lawrence to accept the proclamation.*

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**060328.****Phil Emmer and the Builders' Association of North Central Florida Day - August 14, 2006 (B)**

**RECOMMENDATION**      *Reichert House volunteer and local developer Phil Emmer to accept the proclamation.*

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**060329.****Toastmasters Week - September 17-24, 2006 (B)**

**RECOMMENDATION**      *Toastmasters International Area 42 Governor James Kocher to accept the proclamation.*

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**060330.****Gainesville Fire/Rescue Appreciation Month - August 2006 (B)**

**RECOMMENDATION**      *Gainesville Fire/Rescue Chief Bill Northcutt, IAFF Local 2157 President Jeff Lane, and Muscular Dystrophy Association District Director Leslie Cowart 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****050158.****DEVELOPMENT REVIEW PROCESS (B)****Ordinance No. 0-06-16; Petition 107TCH-05 PB**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to development review plans; amending section 30-23; adding a definition for developed industrial area; amending section 30-159; creating a new level of review for minor plans before the development review board; amending paragraph 30-350(b)(3); amending the neighborhood meeting requirements, adding an architectural/design consultant procedure for development located in community redevelopment districts and special Area Plan districts; amending paragraph 30-351(d)(1); providing for notice of development plan review for certain minor development plans; amending paragraph 30-352(b)(1); revising the background and professional requirements of the persons who may serve as development review board members; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing a schedule for implementation; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT*

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

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

*This petition implements the recommendations of the Economic Development/University Community Committee (EDUCC) to the City Commission and the subsequent direction of the City Commission and recommends a rule change to the Development Review Board to create a*

*consent agenda procedure. Staff recommends the City Commission consider adopting a threshold of 25 multi-family units, rather than the 50-unit threshold.*

*CITY ATTORNEY MEMORANDUM*

*The City Commission approved Petition 107TCH-05 PB, with conditions, on November 14, 2005. This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, August 28, 2006. The ordinance, if adopted, will not apply or affect any application for development permit that was properly filed with the City on or before 5:00 p.m. on Thursday, August 31, 2006.*

*Fiscal Note: None*

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

**Legislative History**

9/26/05	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
11/14/05	City Commission	Approved (Petition), as amended (6 - 0 - 1 Absent)

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**050585.**

**AMENDED LIST OF CONTRIBUTING STRUCTURES IN THE  
 SOUTHEAST RESIDENTIAL HISTORIC DISTRICT (Quasi-Judicial) (B)**

**Ordinance No. 0-06-44; Petition 160MSC-06 PB**

**An ordinance of the City of Gainesville, Florida, amending the list of contributing buildings and structures in the Southeast Residential Historic District, as more specifically described in this ordinance; finding these additional buildings and structures as contributing structures subject to the regulations of the City's historic preservation/conservation ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT*

*The petition changes the status from non-contributing to contributing for various properties in the Southeast Gainesville Historic District. The Southeast Gainesville Historic District was approved by the City Commission on March 13, 1989 (157ZON-88PB Ordinance #3522) and contributing and*

*non-contributing status was applied to each building, site, structure or object. The Historic Preservation Board unanimously approved the proposed changes in status from non-contributing to contributing structures at a Special Meeting on November 8, 2005.*

*As defined in the cultural resources survey, contributing buildings and structures are those that have been documented with the Florida Division of Historic Resources through completion of a Florida Master Site File. Also they are at least 45 years old, and have not been severely altered, namely through radical alteration of original plan, enclosing of porches, or additions to the facade. Contributing structures include principal dwellings or buildings, garage apartments, and outbuildings. Conversely, noncontributing buildings and structures are defined as buildings with a Florida Master Site File that have been severely altered and/or buildings that are less than 45 years old.*

*Staff has found that the status on 4 non-contributing building sites, structures or objects have met the criteria of contributing and are reflected on the attached list and map (Exhibit "A") for adoption.*

*The Plan Board heard the petition and voted to recommend approval.*

*Public notice was published in the Gainesville Sun on February 28, 2006. Letters were mailed to surrounding property owners on March 1, 2006. The Plan Board held a public hearing March 16, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 160MSC-05 PB. Plan Board vote 6-0.*

#### *CITY ATTORNEY MEMORANDUM*

*This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, August 28, 2006.*

*Fiscal Note: None*

#### **RECOMMENDATION**

*The City Commission:*

*(1) Hear a report from staff on the reevaluation of the list, as requested by the Commission;*

*(2) City Plan Board to City Commission: The City Commission approve Petition 160MSC-06 PB, the modification of the map of the Southeast Residential Historic District;*

*Alternative Recommendation A: The City Commission deny the request to adopt the updated maps of the Southeast Residential Historic District. There is no fiscal impact.*



*Alternative Recommendation B: The City Commission modify the map of the Southeast Residential Historic District to change 4 non-contributing structures built in 1952 or earlier to contributing structures.*

*(3) Adopt the proposed ordinance.*

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**050586.**

**AMENDED LIST OF CONTRIBUTING STRUCTURES IN THE PLEASANT STREET HISTORIC DISTRICT (Quasi-Judicial) (B)**

**Ordinance No. 0-06-45; Petition 161MSC-06 PB**

**An ordinance of the City of Gainesville, Florida, amending the list of contributing buildings and structures in the Pleasant Street Historic District, as more specifically described in this ordinance; finding these additional buildings and structures as contributing structures subject to the regulations of the City's historic preservation/conservation ordinance; finding one building and structure as a non-contributing structure; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT*

*The petition changes the status from non-contributing to contributing for various buildings, and one building from contributing to non-contributing, in the Pleasant Street Historic District. The Pleasant Street Historic District was approved by the City Commission on February 18, 1991 (76ZON-90PB Ordinance #3701) and contributing and non-contributing status was applied to each building, site, structure or object. The Historic Preservation Board unanimously approved the proposed changes in status from non-contributing to contributing structures at a Special Meeting on November 8, 2005.*

*As defined in the cultural resources survey, contributing buildings and structures are those that have been documented with the Florida Division of Historic Resources through completion of a Florida Master Site File. Also they are at least 45 years old, and have not been severely altered, namely through radical alteration of original plan, enclosing of porches, or additions to the facade. Contributing structures include principal dwellings or buildings, garage apartments, and outbuildings. Conversely, noncontributing buildings and structures are defined as buildings with a Florida Master Site File that have been severely altered and/or buildings that are less than 45 years old.*

*Staff has found that the status on 4 non-contributing building sites, structures or objects have met the criteria of contributing and are reflected on the list and map (see Exhibit "A") for adoption. (One renovated building is removed from the contributing structures list.)*

*The Plan Board heard the petition and voted to recommend approval.*

*Public notice was published in the Gainesville Sun on February 28, 2006. Letters were mailed to surrounding property owners on March 1, 2006. The Plan Board held a public hearing March 16, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 161MSC-05 PB. Plan Board vote 6-0.*

*CITY ATTORNEY MEMORANDUM*

*This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, August 28, 2006.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission:*

*(1) Hear a report from staff on the reevaluation of the list, as requested by the Commission;*

*(2) City Plan Board to City Commission: The City Commission approve Petition 161MSC-06 PB, the modification of the map of the Pleasant Street Historic District;*

*Alternative Recommendation A: The City Commission deny the request to adopt the updated maps of the Pleasant Street Historic District. There is no fiscal impact.*

*Alternative Recommendation B: The City Commission modify the map of the Pleasant Street Historic District to change 4 non-contributing structures built in 1952 or earlier to contributing structures.*

*(3) Adopt the proposed ordinance.*

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**050910.**

**PLANNED DEVELOPMENT AMENDMENT - KINGSWOOD COURT  
(B)**

**Ordinance No. 0-06-48, Petition No. 10PDA-06PB**

**An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as “Kingswood Court”; located at 5240 Northwest 8th Avenue; adopting an additional planned development report; and additional development plan maps; amending the conditions**

**adopted by Ordinance No. 2989; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*The purpose of this petition is to amend the uses allowed in an existing planned development (PD). This PD was approved in 1984 and allowed for the development of the Kingswood Court residential townhouse community, located on the western portion of the PD. The eastern portion of the PD was the site of a day care center. This proposed amendment does not affect the Kingswood Court portion of the PD.*

*The existing ordinance allows child care (day care) services as a use in the four existing principle structures on the eastern portion of the PD. The proposed amendment would change the allowable uses within the existing buildings. As noted in the PD Plan Report and the layout maps included, the four existing buildings are shown as "A," "B," "C," and "D." Building "A" would return to its original use as a single-family dwelling. Buildings "B," "C," and "D" would add counseling services as well as some community services as allowable uses. The services would include counseling for married couples and couples planning for marriage, counseling for students and teenagers dealing with social and academic issues, and community service opportunities for high school and college students to work with the programs. None of the clients to be served will be in the criminal justice system. Child care services will continue to be allowed under the PD in Buildings "B", "C" and "D."*

*Public notice was published in the Gainesville Sun on January 31, 2006. Letters were mailed to surrounding property owners on February 1, 2006. The Plan Board held a public hearing February 16, 2006.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

3/27/06 City Commission Approved (Petition) (6 - 0 - 1 Absent)

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**050911.**

**PLANNED DEVELOPMENT AMENDMENT - BUCK BAY (B)**

**Ordinance No. 0-06-60, Petition No. 12PDA-06PB**

**An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as “Buck Bay Planned Development”; located in the vicinity of the 7700 block of Northwest 22nd Avenue; amending the terms, conditions and requirements of the planned development as originally adopted by Alachua County Resolution No. Z-82-43; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*The purpose of this petition is to amend the Planned Development zoning that governs the development of the Buck Bay subdivision. The text amendment would allow the mobile home lots to be developed with "site-built" homes.*

*This development was approved and developed prior to annexation in 1992. The development was completed in 1983 and has operated as a land-lease manufactured home community. The Hidden Lake subdivision has since been developed immediately south of Buck Bay. The petitioners would like to amend the Planned Development to allow the construction of conventional "site-built" housing. However, nothing in this amendment will prevent the continued use of manufactured homes in the Buck Bay development as a use by right. Staff is recommending a condition be added to the resolution that clearly states that manufactured homes are still an allowed use within the development.*

*There was a concern about this proposal regarding stormwater management requirements. If manufactured homes are replaced by conventional single-family housing, the additional square footage of impervious area could require additional stormwater management facilities in the development. This petition does not address whether additional stormwater management facilities are required. However, the petitioners have met with the City Public Works Department and have provided calculations indicating that limiting the amount of impervious area on a lot to 2,100 square feet would not have an adverse effect on the present drainage system. The proposed Planned Development language includes this limitation.*

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

*Public notice was published in the Gainesville Sun on February 28, 2006. Letters were mailed to surrounding property owners on March 1, 2006. The Plan Board held a public hearing March 16, 2006.*

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

**Legislative History**

5/8/06              City Commission              Approved (Petition) (7 - 0)

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**060002.**

**TOWING ADMINISTRATIVE FEE (B)**

**Ordinance No. 0-06-70**

**An ordinance of the City of Gainesville amending section 14.5-26(a) of the Gainesville Code of Ordinances relating to trespass towing; providing for pro-rated administrative fees; providing requirements for pro-rated administrative fees; amending the Police section of Appendix A, Schedule of Fees, Rates and Charges by delineating pro-rated fee categories; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date. The City Commission adopt the proposed ordinance.**

*Explanation: On July 10, 2006, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an amendment to section 14.5-26(a).*

*On May 8, 2006, the City Commission referred the issue of the Public Safety Committee to develop a proposal for restructuring administrative fees as it applies to one community or property in contiguous locations to each other. The Public Safety Committee recommends a pro-rated sliding fee where all properties are included in one contract and are within close proximity of each other. Properties meeting these criteria would be eligible for the sliding fee scale.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

5/8/06	City Commission	Referred (7 - 0)	Public Safety Committee
5/18/06	Public Safety Committee	Discussed	
6/15/06	Public Safety Committee	Discussed	
7/10/06	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	

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## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

### 060148.

#### ANNEXATION - LOWE 2 AND BOYKIN/WARREN (B)

##### Ordinance No. 0-06-64

**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 06712-001-000 and 06712-002-000, as more specifically described in this ordinance, generally located south of the City limits, west of the vicinity of SW 34th Street and the City limits, 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, January 23, 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 February 27, 2006 and March 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 August 14, 2006. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.*

#### **RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

#### **Legislative History**

7/24/06 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)  
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## **RESOLUTIONS- ROLL CALL REQUIRED**

### **PLAN BOARD PETITIONS**

#### **060014.**

#### **Amend Land Use Designation from RL to REC (B)**

**Petition 40LUC-06 PB. City of Gainesville, agent. Mount Olive AME Church, owner. Amend the land use designation of property from RL, Residential Low Density (up to 12 units/acre) to REC, Recreation. Located at 837 Southeast 7th Avenue. Related to Petition 41ZON-06PB.**

*Explanation: This is an application to change the land use designation of approximately 1.84 acres from RL to REC. The subject parcel is located in Southeast Gainesville's Springhill neighborhood. The subject parcel is the northern half of a block bounded by Southeast 8th Street on the west, Southeast 9th Street on the east, Southeast 8th Avenue on the south, and Southeast 7th Avenue on the north.*

*The purpose of this request is to allow the vacant historic buildings on the site*

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

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

*The subject property and all surrounding properties are zoned RSF-4, Single-Family Residential (8 units/acre). This area of the City is dominated by single-family residences. An exception is the Mount Olive AME Church, which owns the subject property and is located along the subject property's southern boundary at 721 Southeast 8th Street. A park with a playground is located at the northwest corner of Southeast 8th Avenue and Southeast 9th Street.*

*The proposed Recreation designation identifies appropriate areas for public and private leisure activities. Land development regulations shall address the scale, intensity and buffering of structures and outdoor improvements.*

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

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

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 40LUC-06 PB. Plan Board vote 4-0.*

*Staff to Plan Board - Approve*

*Alternative Recommendation A: Deny the land use amendment petition.*

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**060015.**

**Rezone Property from RSF-4 to PS (B)**

**Petition 41ZON-06 PB. Quasi Judicial. City of Gainesville, agent. Mount Olive AME Church, owner. Rezone property from RSF-4, Single-Family Residential District (8 units/acre) to PS, Public Services and Operations District. Located at 837 Southeast 7th Avenue. Related to Petition 40LUC-06PB.**

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

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

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

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

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

*For requests to rezone land to PS, City regulations allow the City Commission to require applicants to provide a site plan prior to rezoning approval. This option is in place to protect surrounding areas when public facilities such as utilities are proposed. In this instance, however, requiring a site plan prior to rezoning is not necessary. The site is owned by an adjacent church which is working with a non-profit corporation to develop the site as a community center. The non-profit corporation has raised funds from private donations, special events, and the City of Gainesville. Their application for a State Historic Preservation Grant was ranked 16th out of more than 100. The PS zoning, however, must be in place to execute the grant.*

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

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

*Fiscal Note: None*



RECOMMENDATION

*City Plan Board to City Commission - The City Commission approve Petition 41ZON-06 PB. Plan Board vote 4-0.*

*Staff to Plan Board - Approve*

*Alternative Recommendation A: Approve with the condition that the Plan Board must approve the site plan.*

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060104.**Amend Southwest 13th Street Special Area Plan (B)**

**Petition 66TCH-06PB. Causseaux & Ellington, Inc., agent for Lakeshore Towers. Amend the Southwest 13th Street Special Area Plan to allow exceptions to the development standards for development proposals processed as a Planned Development. Related to Petitions 31LUC-06 PB and 32PDV-06 PB. (B)**

*Explanation: This is a request by the agents for Lakeshore Towers to allow a rezoning to Planned Developments (PD) to supercede the development standards of the Southwest 13th Street Special Area Plan. Developments within the Southwest 13th Street Special Area District may be exempt from some standards, subject to board or staff review. Section (e) allows exceptions to the following standards:*

1. *Build-to line;*
2. *Number and layout of automobile parking spaces;*
3. *Dimensional requirements;*
4. *Buffers for single-family areas;*
5. *Required sidewalks;*
6. *Landscaping; and*
7. *Materials.*

*The amendment, as proposed, would allow the innovative and unique design elements of the PD process to deviate from the standards of the special area plan.*

*Public notice was published in the Gainesville Sun on May 30, 2006. Letters were mailed to surrounding property owners on May 31, 2006. The Plan Board held a public hearing June 25, 1998.*

*Fiscal Note: None*

RECOMMENDATION

*City Plan Board to City Commission - The City Commission approve Petition 66TCH-06 PB. Plan Board vote 4-0.*

*Staff to Plan Board - Approve*

*Alternative Recommendation A: Recommend denial of  
Petition 66TCH-06 PB.*

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**060105.**

**Amend Future Land Use from MUM to RH (B)**

**Petition 31LUC-06PB. Causseaux & Ellington, Inc., agent for S. Clark Butler Properties Land Trust. Amend the City of Gainesville 2000-2010 Future Land Use Map from MUM (Mixed Use Medium Intensity, 12 to 30 units per acre) to RH (Residential High Density, 8-100 units per acre). Located at 2306 SW 13th Street. Related to Petition 32PDV-06 PB.**

*Explanation: This is a petition for a land use change from Mixed Use Medium-Intensity (12 -30 units per acre) to Residential High (8 - 100 units per acre) on approximately 5.1 acres of land, which is a part of a larger development located at 2306 SW 13th Street, approximately one mile south of the University of Florida campus. This petition is submitted concurrently with a Planned Development (PD) rezoning application that proposes to redesign approximately 7.13 acres for the renovation of an existing 11-story residential building and construction of an additional 14-story residential building and associated recreational facilities. The land use change is intended to allow the requested increase in density and to be consistent with surrounding land uses. Staff has determined the proposed land use change is consistent with surrounding land uses.*

*The Plan Board heard the petition and recommended approval.*

*Public notice was published in the Gainesville Sun on May 30, 2006. Letters were mailed to surrounding property owners on May 31, 2006. The Plan Board held a public hearing June 15, 2006.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 31LUC-06 PB. Plan Board vote 4-0.*

*Staff to Plan Board - Approve*

*Alternative Recommendation A: Recommend denial of  
Petition 31LUC-06 PB.*

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**060106.**

**Rezone Property from MU-2 and BUS to PD (B)**

**Petition 32PDV-06 PB. Causseaux & Ellington, Inc., agent for S. Clark Butler Properties Land Trust. Rezone property from MU-2 (12-30 units/acre mixed use medium intensity) and BUS (General Business**

**District) to PD (Planned Development) to rehabilitate and allow an additional 14-story residential building. Located at 2306 Southwest 13th Street. Related to 31LUC-06PB.**

*Explanation: This petition is a request to rezone approximately 7.13 acres from MU-2 (Mixed Use Medium Intensity) and BUS (General Business) to PD (Planned Development) to allow the renovation of an existing 11-story residential building and construction of a new 14-story residential building and associated recreation facilities located at 2306 Southwest 13th Street. This petition is submitted concurrently with a land use change petition that will allow the requested density increase under this PD rezoning. The rezoning will enable density and height increases that will facilitate revitalization of the Southwest 13th Street corridor through implementation of unique design criteria that will address size, scale, density and other complexities best accomplished through a Planned Development, due to unique existing features associated with this project site.*

*The Plan Board heard the petition and recommended approval.*

*Public notice was published in the Gainesville Sun on May 30, 2006. Letters were mailed to surrounding property owners on May 31, 2006. The Plan Board held a public hearing June 15, 2006.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 32PDV-06 PB. Plan Board vote 4-0.*

*Staff to Plan Board - Approve*

*Alternative Recommendation A: Recommend denial of Petition 32PDV-06 PB.*

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**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)**

