

# **City of Gainesville**

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



## **Meeting Agenda**

**February 26, 2007**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

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

***Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business day***

## CALL TO ORDER

## AGENDA STATEMENT

*"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. (In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited. Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.)"*

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### **060822. Adjustment of Inspection and Permit Fees for Home Occupation Permits (NB)**

**This item requests that the City Commission authorize the City Attorney to draft and the Clerk to advertise revisions to Chapter 30 of the Gainesville Code of Ordinance to provide equality of fees for home occupation permits.**

*Explanation: Last year, the Code Enforcement Division processed 433 home occupation permits. Applicants for a home occupation permit pay a \$10 permit fee and a \$50 inspection fee. Other permits which require field inspections require a \$55.25 permit fee and also have a provision for assessing a \$110 reinspection fee when deemed appropriate by the enforcing official. Staff recommends the same fees for home occupation permits.*

*Fiscal Note: The proposed fees will offset a portion of the City's costs by recovering an estimated \$56,000 more than currently collected. Additional cost recovery may be realized through a saving of staff time when applicants realize a reinspection fee may be assessed for failure to attend a scheduled appointment.*

#### **RECOMMENDATION**

*The City Commission authorize the City Attorney to revise Chapter 30-58 and Appendix A to implement partial cost recovery for such permits with the proposed fee increases.*

**060823. Permit Fees for Outdoor Promotional Sales and Special Event Sales (NB)**

**This item requests that the City Commission authorize the City Attorney to draft and the Clerk to advertise revisions to Chapter 30 of the Gainesville Code of Ordinances to provide for partial cost recovery through the implementation of permit fees for outdoor promotional sales and special event sales.**

*Explanation: The Code Enforcement Division is charged with issuing outdoor promotional sales and special event sales permits. Most permits require review by GFR, GPD, Public Works, Building Inspections and Code Enforcement. Code Enforcement Officers are required to visit the site to confirm proper installation of tents, safety equipment and many times remove illegal signs from public right of ways. Similar activities which utilize public resources pay a fee of \$55.25 for a field inspection, and a fee of \$110 when at the discretion of the enforcing official the permittee has brought about undue need for inspection services and a reinspection is required.*

*Fiscal Note: The proposed ordinance change is projected to increase revenue by approximately \$3000.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to revise Chapter 30-67(g) (1) and Appendix A to implement partial cost recovery for such events by implementing a \$55.25 permit fee, a \$110 reinspection fee, and a \$250 cash bond requirement. The cash bond would be refunded provided the applicant complies with the provision of the permit and no additional costs to the City are incurred.*

**060955.****Application for Disability Retirement for Ronald Behar (B)**

**Retirement application for Ronald Behar, Organizational Development Specialist, who has been under the care of physicians for several medical reasons.**

*Explanation: A meeting of the Disability Review Committee was conducted on Friday, February 2, 2007 to review the application for disability retirement for Ronald Behar. In reviewing the application and supporting information from his physician, it is the recommendation of the Disability Review Committee that the City Commission approve the application.*

*Ronald Behar, with 6.833 years of service with Gainesville Regional Utilities Organizational Development Department, has been under the care of physicians for several medical reasons. Information provided to the Committee from his physician and from the City of Gainesville's third party administrator Health*

*Direct Inc., states that Mr. Behar is totally disabled and wholly and continuously unable to perform any and every duty of his employment or of a position to which he may be assigned. This application was received and processed prior to the changes in the Disability Pension Plan and is subject to the terms and conditions in the plan as it existed on the date of the disability. Based on the information received from Mr. Behar's physician, November 7, 2006 is the date Mr. Behar became permanently and totally disabled.*

*Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for this employee has been determined to be: current monthly salary - 5,905.91; final average monthly earnings - \$5,412.63; final monthly benefit - \$2,165.05 based on formula, prior to applying offsets. The final monthly benefit is without Social Security offset. Once Social Security Benefits are determined the offset will be applied. Mr. Behar's monthly benefit after all applicable offsets cannot exceed \$1,500 per month. These benefits shall become effective upon the City Commission's approval, retro active to the date of disability (November 7, 2006) or at such time Mr. Behar exhausts all of his sick leave and would be paid from the Disability Pension Fund.*

**RECOMMENDATION**

*The City Commission approve the submitted application for disability retirement for Ronald Behar, Organizational Development Specialist with Gainesville Regional Utilities Organizational Development Department*

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**060956.****2007 City Commission Strategic Goals and Objectives - Status Update (B)**

**This item provides a progress update on the City Commission's adopted goals and objectives for Fiscal Year 2007.**

*Explanation: The City Commission Strategic Goals and Objectives for FY 2007 were adopted on January 23, 2006. This is a progress update for the three month time period from October 2006 through December 2006 (first quarter of the fiscal year).*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission receive a report from the City Manager on the current progress towards the City Commission Strategic Goals for FY 2007.*

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**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****060999.****Annual Contract for Horizontal Directional Drilling Services (B)**

**Staff recommends establishing two annual contracts for the provision of horizontal directional drilling services.**

*Explanation: The Water/Wastewater Systems and Gas Transmission and Distribution departments often require horizontal directional drilling services to construct water, wastewater, reclaimed water and gas distribution system extensions within roadway rights-of-way and/or that cross beneath paved roads. To date, these services have been bid on a project by project basis. However, since each project requires similar tasks, staff believes that establishing contracts for these services will offer reduced pricing based on the work volume and reduce administrative costs. Staff recommends establishing two contracts, using the contractor with the best pricing for the type of work required, bore size and schedule availability. The contracts may also be used by other utility departments as needed for their projects.*

*Utilities Purchasing issued an Invitation to Bid for these services to the nine known horizontal directional drilling contractors in the area, with four responding. Staff is recommending award to the two companies providing the overall lowest individual pricing based on unit prices and the anticipated cost for typical projects. Staff will evaluate the type of services required for each project and determine whether D&D, Inc. or TB Landmark Construction would offer the lower cost for the specific project. A bid tabulation of the unit pricing is attached for your information.*

*Fiscal Note: Funds for these services are included in the W/WW Systems Capital Improvement Program budget.*

**RECOMMENDATION**

*The City Commission: 1) authorize the Interim General Manager, or her designee, to execute three year contracts with D&D, Inc. and TB Landmark Construction for horizontal directional drilling services, subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of purchase orders for the two named contractors for horizontal directional drilling services in amounts not exceeding budgeted amounts for each year of the contract, subject to the final appropriation of funds for each year of the contracts.*

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**061000.**

**Contract for Employee Uniforms (B)**

**Staff recommends establishing a contract for purchased employee uniforms for various Utility and General Government departments.**

*Explanation: Various Utility and General Government departments provide uniforms to designated employees. Staff safety and employee identification to the public are among some of the reasons that uniforms are important. Certain employees are provided rental uniforms through a separate contract which includes laundry service based on the types of contaminants encountered while performing their work.*

*This purchase uniform contract provides uniforms to approximately 300 Utility*

and 100 General Government employees who are responsible for their own uniform laundering. Employees required to wear flame resistant clothing (electric line workers and certain gas and electric personnel) as well as those who wear non-flame resistant clothing (water and power plants, service employees from gas, electric, facilities and field services, as well as General Government's Operations division) receive uniforms through this contract.

This contract has developed into a full service contract which allows department representatives to order standard uniform items for their department's employees using the uniform company's web-based system. The direct order process significantly reduces administrative costs by streamlining uniform ordering and receiving. In addition, the contractor is required to maintain an allowance amount for each employee based on City-furnished amounts, provide an on-line uniform catalog, maintain order history and offer custom reports for tracking purchase activity. The contractor also provides useful information to staff about industry requirements for flame resistancy and safety to help ensure that the City complies with applicable laws.

A Request for Proposal was issued for the provision of employee uniforms to ten prospective uniform providers. Six proposals were received which were evaluated based on understanding and approach to performing the work, qualifications and experience of the company's personnel and the business, uniform selections, pricing and references. Tyndale Company, Inc. submitted the best evaluated proposal and is recommended for award of the contract.

*Fiscal Note:* Funds for this contract are available in the FY 2007 budgets and will be requested in future fiscal year budgets. The estimated annual cost of this contract is \$100,000 for utility departments and \$25,000 for General Government.

**RECOMMENDATION**

*The City Commission: 1) authorize the Interim General Manager, or her designee, to execute a three year contract with Tyndale Company, Inc. for employee uniforms for various Utility and General Government departments, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders for uniforms to Tyndale Company, Inc. not exceeding budgeted amounts for each year of the contract, subject to the final appropriation of funds for each fiscal year.*

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**061001.**

**Amendment of the Wholesale Power Contract with the City of Alachua (NB)**

**The City of Alachua wishes to levelize its wholesale power fuel adjustment to match Gainesville's retail fuel adjustment to improve customer relations. This will require a contract amendment.**

*Explanation:* Our electric retail fuel adjustment charges are levelized to minimize wide swings due to fuel price volatility and the cost of planned outages of Deerhaven 2. The

*City of Alachua is currently billed for the provision of wholesale power on the basis of actual average fuel costs for electric generation, without any levelization. As a result, Alachua's retail customers experience wide swings in fuel price that don't match those experienced by their neighbors in Gainesville.*

*It would be difficult for Alachua to effectively levelize its retail fuel adjustment charges without detailed operating knowledge of fuel markets, the replacement costs for power during planned outages, and other details of generation dispatch. Accordingly, staff has been requested to amend the wholesale power contract to provide levelized wholesale power costs for Alachua to pass through to its customers. Staff is willing to accommodate this request provided that the levelization is consistent with existing levelization practices and a true-up mechanism is put into place to net out any over or under collection that may exist at the time the wholesale power contract is terminated. Accommodating Alachua's request will improve Alachua's customer satisfaction and reduce any apprehension that Alachua is being treated unfairly.*

*Fiscal Note: There will be no ultimate fiscal impact as a result of the true-up mechanism that staff will require as part of the contract amendment.*

**RECOMMENDATION**

*The City Commission authorize the General Manager or her designee to negotiate an amendment to the wholesale power contract with City of Alachua to match retail fuel adjustment levels but also providing for a true-up prior to the termination of the contract, subject to approval by the City Attorney as to form and legality, and report back to the City Commission upon completion.*

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

**060849.**

**EMPLOYMENT AGREEMENT - GENERAL MANAGER OF UTILITIES  
(B)**

*Explanation: At its meeting of February 12, 2007, the City Commission authorized the Mayor Hanrahan to negotiate an employment agreement with Ms. Karen Johnson, consistent with the "form" agreement utilized with other Charter Officers.*

*The attached Employment Agreement follows the format of the recently approved City Manager Contract, modified to reflect the existing employment relationship between Ms. Johnson and the City.*

*The attached Employment Agreement contemplates the selection of a new General Manager by no later than September 30, 2008. It allows for a transition period of up to a month, during which time Ms. Johnson can advise and assist her successor.*

**RECOMMENDATION**

*The City Commission: (1) approve the employment of Ms. Karen Johnson as General Manager of Utilities pursuant to the terms and conditions set forth in the*

*attached Employment Agreement, and (2) authorize the Mayor to execute the Agreement on behalf of the City and the Clerk to attest thereto.*

Legislative History

1/22/07 City Commission Approved as shown above (See Motion) (7 - 0)

2/12/07 City Commission Approved as shown above (See Motion) (5 - 2)

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## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

### 060993.

#### City Commission Minutes (B)

RECOMMENDATION

*The City Commission approve the minutes of February 12, 2007, as circulated.*

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### 060985.

#### Equal Opportunity Special Meetings (NB)

RECOMMENDATION

*The City Commission schedule a special meeting on the Equal Opportunity Department on Monday June 4, 2007 at 6:00 PM*

### 061003.

#### Advisory Board/Committee Appointment to the Art in Public Places Trust (NB)

RECOMMENDATION

*The City Commission appoint Bill Warinner (architect) to the Art in Public Places Trust for a term to expire September 20, 2009.*

*Commissioner Braddy: Ibanez*

*Commissioner Bryant: Warinner*

*Commissioner Donovan: Warinner*

*Commissioner Henry: Warinner*

*Commissioner Lowe: Warinner*

*Commissioner Mastrodicasa: Warinner*

*Mayor Hanrahan: Warinner*

### 061004.

#### Advisory Board/Committee Appointment to the Bicycle/Pedestrian Advisory Board (NB)



**RECOMMENDATION**

*The City Commission appoint Richard D. Browning to the Bicycle/Pedestrian Advisory Board for a term to expire December 31, 2009.*

*Commissioner Braddy: Saylor  
Commissioner Bryant: Garner  
Commissioner Donovan: Browning  
Commissioner Henry: Browning  
Commissioner Lowe: Browning  
Commissioner Mastrodicasa: Garner  
Mayor Hanrahan: Browning*

**061005.****Advisory Board/Committee Appointment to the Board of Adjustment (NB)****RECOMMENDATION**

*The City Commission appoint Rolf E. Hummel to the Board of Adjustment for a term to expire November 1, 2010.*

*Commissioner Braddy: Hummel  
Commissioner Bryant: Silas  
Commissioner Donovan: Hummel  
Commissioner Henry: Hummel  
Commissioner Lowe: Silas  
Commissioner Mastrodicasa: Hummel  
Mayor Hanrahan: Hummel*

**061006.****Advisory Board/Committee Appointments to the Citizens' Advisory Committee for Community Development (NB)****RECOMMENDATION**

*The City Commission reappoint Lois Y. Harrison, Tavera K. Johnson, Jefferson W. Jones and Lauren B. Poe to the Citizens' Advisory Committee for Community Development for terms to expire November 1, 2009.*

*Commissioner Braddy: Allen, Mejia, Poe, Seales  
Commissioner Bryant: Harrison, Johnson, Jones, and Poe  
Commissioner Donovan: Harrison, Jones, Mejia and Poe  
Commissioner Henry: Harrison, Johnson, Jones and Seales  
Commissioner Lowe: Harrison, Johnson, Jones, and Poe  
Commissioner Mastrodicasa: Harrison, Johnson,*

*Jones, and Poe*

*Mayor Hanrahan: Harrison, Johnson, Jones, and Poe*

**061007. Advisory Board/Committee Appointment to the City Beautification Board (NB)**

**RECOMMENDATION**

*The City Commission appoint Sarah E. Dale and reappoint Harold W. Saive to the City Beautification Board for terms to expire November 1, 2009.*

*Commissioner Braddy: Dale and Readvertise  
Commissioner Bryant: Dale and Saive  
Commissioner Donovan: Dale and Saive  
Commissioner Henry: Dale and Saive  
Commissioner Lowe: Dale and Saive  
Commissioner Mastrodicasa: Dale and Saive  
Mayor Hanrahan: Dale and Saive*

**061008. Advisory Board/Committee Appointment to the Fire Safety Board of Adjustment (NB)**

**RECOMMENDATION**

*The City Commission appoint Brad B. Kinsell to the Fire Safety Board of Adjustment for a term to expire November 1, 2009.*

*Commissioner Braddy: Farrell  
Commissioner Bryant: Kinsell  
Commissioner Donovan: Kinsell  
Commissioner Henry: Kinsell  
Commissioner Lowe: Kinsell  
Commissioner Mastrodicasa: Farrell  
Mayor Hanrahan: Kinsell*

**061009. Advisory Board/Committee Appointment to the Gainesville Enterprise Zone Development Agency (NB)**

**RECOMMENDATION**

*The City Commission appoint Mary M. Seales (Resident Within) to the Gainesville Enterprise Zone Development Agency for term to expire March 31, 2009.*

*Commissioner Braddy: Seales  
Commissioner Bryant: Seales*

*Commissioner Donovan: Seales  
Commissioner Henry: Seales  
Commissioner Lowe: Seales  
Commissioner Mastrodicasa: Seales  
Mayor Hanrahan: Seales*

**061010. Advisory Board/Committee Appointment to the Nature Centers Commission (NB)**

**RECOMMENDATION**

*The City Commission appoint Taylor V. Stein to the Nature Centers Commission for a term to expire November 1, 2010.*

*Commissioner Braddy: Stein  
Commissioner Bryant: Stein  
Commissioner Donovan: Stein  
Commissioner Henry: Stein  
Commissioner Lowe: Stein  
Commissioner Mastrodicasa: Stein  
Mayor Hanrahan: Stein*

**061011. Advisory Board/Committee Appointment to the Public Recreation and Parks Board (NB)**

**RECOMMENDATION**

*The City Commission appoint Todd N. Chase to the Public Recreation and Parks Board for term to expire June 1, 2010.*

*Commissioner Braddy: Chase  
Commissioner Bryant: Chase  
Commissioner Donovan: Chase  
Commissioner Henry: Chase  
Commissioner Lowe: Yayi  
Commissioner Mastrodicasa: Chase  
Mayor Hanrahan: Chase*

**061012. Advisory Board/Committee Appointment to the Regional Transit System Advisory Board (NB)**

**RECOMMENDATION**

*The City Commission reappoint LaTwania M. Brown and appoint Philip W. Michel to the Regional Transit System Advisory Board for terms to expire June 1, 2009.*

Commissioner Braddy: Brown and Michel  
 Commissioner Bryant: Brown and Michel  
 Commissioner Donovan: Brown and Michel  
 Commissioner Henry: Brown and Michel  
 Commissioner Lowe: Brown and Michel  
 Commissioner Mastrodicasa: Brown and Michel  
 Mayor Hanrahan: Brown and Michel

**060944.****Denial of Appeal of decision on Petition 9COA-07HPB (B)**

*Explanation:* On January 3, 2007, the Historic Preservation Board denied a request to demolish a structure at 506 N.W. 6th Avenue in the Pleasant Street Historic District. Notice of the Denial was forwarded by certified mail to the Petitioner and received on January 8, 2007, as evidenced by the Return Receipt. The Petitioner filed an appeal with the Clerk of the Commission and this letter was received on February 1, 2007. Per Section 30-112(d)(7)i, Code of Ordinances, any person aggrieved by a decision rendered by the historic preservation board may appeal the decision to the City Commission within 14 days from the date the decision by the historic preservation board is reduced to writing and served by certified or registered mail, return receipt requested, to such person. The Petitioner's appeal was not received within the 14-day time limit imposed by the ordinance.

**RECOMMENDATION**

*Dismiss the appeal of Petition 9COA-07HPB as untimely filed. Authorize the Clerk of the Commission to execute an official notice to be forwarded to the Petitioner and maintained in the records of the historic preservation board.*

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**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****001198****Graffiti Abatement (NB)**

*Explanation:* This item was referred to the Community Development Committee on June 18, 2001. The Committee has discussed this item and then heard update reports from staff several times over the past few years. It was determined that graffiti abatement should be handled through the Solid Waste Division. The Solid Waste Manager has worked in conjunction with Keep Alachua County Beautiful (KACB), and has a contract with KACB for various services including graffiti

*abatement. In addition, Solid Waste has an inmate crew for cleanup, which involves cleaning up litter and illegal dump sites.*

*Solid Waste staff works with Code Enforcement and the Police Department's Environmental Task Force, communicating closely on graffiti, and assists as GPD prosecutes people who deposit material at illegal dump sites.*

*The CRA also has contracts with private service providers for various types of cleanup, including graffiti removal. The CRA has an agreement with businesses when they enter into the facade program, to allow graffiti removal from their buildings.*

*Fiscal Note: The Solid Waste Division has a yearly contract with KACB in the amount of \$20,000.*

**RECOMMENDATION**

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

**Legislative History**

6/18/01	Community Development Committee	Deferred	
7/2/01	Community Development Committee	Discussed	
11/5/01	Community Development Committee	Approved as Recommended	
12/3/01	Community Development Committee	Discussed	
2/7/02	Community Development Committee	Approved as Recommended	
7/1/02	Community Development Committee	Approved as Recommended	
7/8/02	City Commission	Referred	Community Development Committee
10/6/03	Community Development Committee	Approved as Recommended	
11/3/03	Community Development Committee	Approved as Recommended	
5/3/04	Community Development Committee	Approved as Recommended	
12/6/04	Community Development Committee	Continued	
1/6/05	Community Development Committee	Continued	

2/17/05	Community Development Committee	Approved as Recommended
9/15/05	Community Development Committee	Continued
10/6/05	Community Development Committee	Approved as Recommended
11/3/05	Community Development Committee	Approved as Recommended
12/12/06	Community Development Committee	Continued
1/23/07	Community Development Committee	Approved as Recommended

## AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

### 060948.

#### Review of Gainesville Fire Rescue Overtime (B)

*Explanation: In accordance with our Annual Audit Plan, we have completed a Review of Gainesville Fire Rescue Overtime. Our report, which includes the City Manager's response, is attached for your review.*

*We request that the Committee recommend the City Commission accept our report and the City Manager's response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

#### RECOMMENDATION

*The City Commission: 1) Accept the City Auditor's report and the City Manager's response; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

#### Legislative History

2/13/07      Audit, Finance and Legislative Committee      Recommended for Approval  
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### 060951.

#### Fiscal Year 2007 Operating Funds Quarterly Monitoring Report - Quarter Ending December 31, 2006 (B)



items 1 and 2 above represent fairly, in all material respects, conformity with generally accepted accounting principles.

In the independent auditors' opinion, the financial statements referred to in items 3, 4, 5 and 6 above present fairly, in all material respects, the net assets available for benefits as of September 30, 2006, and the changes in net assets available for benefits for the year then ended in conformity with generally accepted accounting principles.

Item 7 relates to the financial statements from items 1 and 2. As part of the audit process the independent auditors issue "management letter comments" along with several other reports related to internal control structure; compliance with certain provisions of laws, regulations, contracts and grants, and internal control structure and certain requirements applicable to federal and state financial assistance programs.

The auditors' management letter related to General Government indicates that there were no recommendations in the current year. The auditors' management letter related to Gainesville Regional Utilities includes recommendations for improvement in the financial statement close process, cash reconciliations, billing system program changes and controls over users' access to computer systems. Management's written response to these comments indicates agreement with the auditors' recommendations and provides planned corrective action on each issue.

In accordance with Section 6(b) of Resolution 970187, City Auditor Responsibilities and Administrative Procedures, the City Auditor has reviewed the attached statements and reports to ensure that contractual terms have been fulfilled and transmits these reports with a recommendation for City Commission acceptance.

**RECOMMENDATION**

The City Commission accept the subject financial statements, auditors' reports, management letters and single audit reports; and accept management's written response.

**Legislative History**

2/19/07      Audit, Finance and      Recommended for Approval  
    Legislative  
    Committee

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**REGIONAL UTILITIES COMMITTEE, CONSENT**



**060613.****Gainesville Regional Utilities Billing and Collection Policies (B)**

*Explanation: On November 9, 2006, the Regional Utilities Committee (RUC) received a presentation on proposed revisions to the utility's collections processing procedures. Those revisions require modifications to current ordinance language which need to be in effect with the implementation of the new Customer Information System (CIS) in April 2007.*

*In general, the revisions address utility deposits, cut for nonpayment timing, and delinquent reconnection. Copies of the proposed ordinance revisions are included as backup in the agenda packet.*

**RECOMMENDATION**

*The RUC request the City Commission 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance, in substantially the same format submitted; and, 2) remove this item from the RUC referral list.*

**Legislative History**

10/9/06	City Commission	Referred (7 - 0)	Regional Utilities Committee
11/9/06	Regional Utilities Committee	Discussed	
2/8/07	Regional Utilities Committee	Approved as Recommended	

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**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****CITY MANAGER****060957.****City of Gainesville/University of Florida Collaboration - Wind Hazard Research Facility (NB)**

**This item involves the proposed location of a Wind Hazard Research**

**Facility at the Airport Industrial Park.**

*Explanation:* In late January, City staff met with representatives of the University of Florida to discuss their desire to site a Wind Hazard Research Facility off campus but within the greater Gainesville Area. Currently, the University is in the midst of submitting a competitive grant to the Institute for Business and Home Safety (IBHS) to secure this project. Four additional sites have been considered in a recent evaluation process; three on University owned land including one site lying outside of Alachua County. The IBHS conducts outreach and research for the property and casualty insurance industry and a reported 85% of US insurers are members.

*The goal of securing the facility is to develop a one of a kind world class windstorm simulator in order to test full-sized buildings in hurricane conditions. This will allow researchers to find cost effective solutions to overcome weaknesses in building construction and will provide visuals of hurricane force winds in order to motivate homeowners to prepare for and protect against natural disasters. In addition, the facility (approximately 50,000 square feet) will provide a one-stop center for natural hazard research and outreach. The facility will be modeled after the Insurance Institute for Highway Safety which provides data and visuals needed to develop safer technology in automobiles. The grant being sought totals \$14 million for construction of the facility and approximately \$1.2 million annually (over five years) for operating expenses. If awarded to the University of Florida, funds for project design would be available in July, 2008.*

*In considering this proposal, staff suggested property located in the Airport Industrial Park for several reasons: 1) Currently, there is an approximately 10.4 acre piece of un-platted property that lies just south and adjacent to the US Department of Labor's Job Corps facility; 2) The Airport Industrial Park location works with respect to the existence of roads and utilities, zoning and provisions of the governing deed restrictions, and proximity to the Airport and the University's Eastside Campus; 3) the subject property faces marketing limitations due to the existence of a pre-existing environmental condition and leasing of the property may therefore be more feasible; 4) the subject property and the Airport Industrial Park are located in a heavy Industrial area that would potentially limit nuisance issues; and 5) prospects for development of the facility could potentially result in strong economic impacts for the area and the City overall including: spin-off support industries; increased charter air travel and hotel bookings prompted by visitors and related conference attendees; a reported full time staff of up to twenty individuals and additional jobs created to construct the test specimens.*

*Fiscal Note:* As indicated, this represents a potential multi-million dollar capital investment in development of this facility. Airport Industrial Park property is currently assessed at between \$35,000-45,000 per acre and this proposal would result in property remaining off the tax rolls and in control of the City. The market value of the subject property is questionable due to the pre-existing environmental condition and current lack of access. It is anticipated that a lease would be negotiated for the subject property. No match is required from the City for the grant and funding has been included for construction of what is now a paper access road off of NE 49th Avenue.

**RECOMMENDATION**

*The City Commission: 1) hear a presentation on the Wind Hazard Research Facility proposal; 2) authorize the City Manager to sign a letter of support for the Wind Hazard Research Facility grant application that includes City support for utilization of the subject Airport Industrial Park property; and 3) direct appropriate staff to assist University of Florida staff in facilitating the Wind Hazard Research Facility proposal.*

*Alternative Recommendation: The City Commission: 1) hear a presentation on the Wind Hazard Research Facility proposal; and 2) direct staff not to participate in the Wind Hazard Research Facility grant proposal.*

**060970.****Request for City Commission Contingency Funds for Heart of Florida Airshow (B)**

*Explanation: On December 21, 2006, the City received a letter from the Heart of Florida Airshow requesting the City of Gainesville become a sponsor of the 2007 event by contributing \$10,000 to offset expenses, waiving administrative fees and by reducing the security expenses to be paid to the Gainesville Police Department (GPD) by \$10,000. Subsequent to receipt of this letter, Mr. Gallagher was contacted and asked to complete the appropriate form to request use of the City Commission Contingency Funds. In addition, Mr. Gallagher has been informed by GPD that their rate for an event in which the City is a sponsor is reduced by 6% (administrative costs), which they estimate will result in a savings of approximately \$4,000 for the Heart of Florida Airshow.*

*The Heart of Florida Airshow request for \$10,000 (the maximum amount) from the City Commission Contingency Fund was received on January 29, 2007 and approved for placement on the City Commission agenda for the February 26, 2007 meeting. The Heart of Florida Airshow is an event sponsored by the Gainesville Regional Airshow Consortium, a non-profit corporation. Should the City Commission consider approval of this funding request, staff recommends the following conditions be included: 1) The City Manager is authorized to execute a grant agreement, as approved by the City Attorney, with the Gainesville Regional Airshow Consortium for \$10,000; 2) The City of Gainesville will be considered a sponsor of the event. The City's name and logo shall be included on all advertising, brochures, flyers and publications; 3) The Heart of Florida Airshow will be entitled to a rate reduced by 6% for services provided by the Gainesville Police Department (GPD); and 4) The Heart of Florida Airshow shall comply with all federal, state and local requirements, regulations, ordinances and statutes.*

*Fiscal Note: Should the City Commission approval this request, the City Commission Contingency Fund balance will be reduced by \$10,000, leaving a balance of approximately \$101,000.*

**RECOMMENDATION**

*The City Commission receive a presentation regarding the Heart of Florida Airshow and consider approval of the funding request, subject to the following conditions: 1) The City Manager is authorized to execute a grant agreement, as approved by the City Attorney, with the Gainesville Regional Airshow Consortium; 2) The City of Gainesville will be considered a sponsor of the event. The City's name and logo shall be included on all advertising, brochures, flyers and publications; 3) The Heart of Florida Airshow will be entitled to a rate reduced by 6% for services provided by the Gainesville Police Department (GPD); and 4) The Heart of Florida Airshow shall comply with all federal, state and local requirements, regulations, ordinances and statutes.*

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**060927.****Legislative Update**

**The City Commission will receive a report from staff regarding legislative affairs.**

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission receive the legislative update and take action as appropriate.*

**Legislative History**

2/12/07 City Commission Heard

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**060958.****Interlocal Agreement with Alachua County for Transition of Services Upon Annexation (B)**

**This agreement addresses transition of services upon annexation of an area defined as major to be annexed into the City**

*Explanation: The City and County recognize that major annexations may have extra jurisdictional impacts and there is a benefit to facilitate proper transition of services and capital projects from the County to the City upon annexation of an area into the corporate limits of Gainesville.*

*City and County staff have been working on an Interlocal Agreement to provide for transition of services when a major annexation occurs. An annexation will be considered major if it results in an unincorporated area population reduction greater than 3% or unincorporated area taxable property value reduction greater than 3%.*

*Annexations considered to be major will become effective no sooner than 90 days following the formal adoption by ordinance or referendum approval.*

*The agreement outlines the manner in which services will transition from the County to the City with in the areas of building permits and inspections, development permits, code enforcement, enforcement of land use conditions, records transfer, road maintenance and ownership responsibilities, surface water management/NPDES, parks, open space and recreational facilities, public works inspections, solid waste collection and employment of affected County employees.*

*The agreement is clear on when and how service delivery will be transferred from the County to the City. Citizens can be assured that service delivery will have a smooth transition and continue without interruption.*

*The agreement will become effective upon approval and execution by both the City and County Commissions and will remain in effect until September 30, 2010. The agreement may be renewed in subsequent twenty-four month intervals by mutual agreement.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission adopt the Interlocal Agreement and authorize the Mayor to executive the Agreement.*

*Alternative Recommendation A:*

*The City Commission direct staff to continue negotiations with the County.*

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**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**060949.**

**Review of the GRU Small Business Enterprise Program (B)**

*Explanation: In accordance with our Annual Audit Plan, we have completed a Review of the GRU Small Business Enterprise Program. Our report and the response from the Interim General Manager for Utilities are attached for your review.*

*We request that the Committee recommend the City Commission accept our report and the Interim General Manager's response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

**RECOMMENDATION**

*The City Commission: 1) Hear a presentation from the City Auditor; 2) accept the City Auditor's report and the response from the Interim General Manager for Utilities; and 3) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

**Legislative History**

2/13/07      Audit, Finance and      Recommended for Approval  
                     Legislative  
                     Committee

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**EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****REGIONAL UTILITIES COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****060996.****Nomination - Library District Board of Trustees (B)**

*Explanation: The Library's Board of Trustees consists of seven (7) members appointed by the Library District Governing Board. Three (3) of the seven members are City of Gainesville representatives, three (3) are Alachua County representatives, and one (1) is a representative of the League of Cities. City Representative Carol Higman's term will expire on March 31, 2007. Ms. Higman is eligible to apply for a second term.*

*The Library District advertised one City of Gainesville and one Alachua County vacancy in January 2007. Ms. Higman's application was the only application received for the one City vacancy. The Library District Governing Board is requesting nomination of this applicant for consideration for appointment. In order to make an appointment prior to the April 18, 2007 Board of Trustees meeting, the Library District Governing Board would like to receive the nomination by March 1, 2007.*

*Ms. Higman's application and a list of the current members of the Board of Trustees are attached.*

**RECOMMENDATION**

*The City Commission nominate Ms. Higman for consideration for appointment by the Library District Governing Board.*

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**060994.****Advisory Board/Committee Appointments to the Student Community Relations Advisory Board (B)**

**RECOMMENDATION**            *The City Commission appoint members to the Student Community Relations Advisory Board. Student terms for one year; non-student member terms for two years.*

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**060995.****Advisory Board/Committee Appointment to the City Plan Board (B)**

**RECOMMENDATION**            *The City Commission appoint one (1) member to the City Plan Board for a vacancy to expire November 1, 2007.*

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**OUTSIDE AGENCIES****060984.****Gainesville Housing Authority Notice of Meetings (B)**

**RECOMMENDATION**            *The City Commission select an option:*

*1) Authorize Clerk of Commission to be a "courtesy" notice for GHA meetings to: a) notice meetings when provided or possible; b) meet our deadlines when possible; c) best effort, but not official notice.*

*2) Maintain current policy and only notice "official" City of Gainesville meetings.*

*3) Encourage GHA to send their notices to Gainesville Sun for inclusion in Notice of Meetings published on Sunday.*

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**MEMBERS OF THE CITY COMMISSION****060979.****ANNUAL PERFORMANCE, SALARY, AND BENEFITS REVIEW FOR THE CITY ATTORNEY (NB)**

*Explanation: As required by the City Attorney's Employment Agreement, the City Commission conduct the annual performance, salary, and benefits review.*

**RECOMMENDATION**            *The City Commission review the salary and benefits of*

*the City Attorney and make any changes deemed appropriate.*

**060997.**

**Annual Performance, Salary, and Benefits Review for the City Auditor (B)**

*Explanation: Brent Godshalk began service as the Gainesville City Auditor on November 8, 2004. As part of an ongoing effort to assist the Charter Officers to continuously improve performance, the City Commission provides feedback on the performance of each Charter Officer annually. In preparation for this year's performance review, the City Auditor provided the City Commission an assessment of the past year, highlighting service efforts and accomplishments of the City Auditor's Office. In addition, individual meetings were scheduled with each Commissioner to provide Commissioners an opportunity to discuss their observations, concerns, and suggestions on a one-on-one basis.*

*Fiscal Note: Funding for salary increases are included in the FY 07 budget.*

**RECOMMENDATION**

*The City Commission review the performance, salary, and benefits of the City Auditor and make any changes deemed appropriate, as provided in the City Auditor's Employment Agreement.*

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**COMMISSION COMMENTS (if time available)**

**RECESS**

**RECONVENE**

**PLEDGE OF ALLEGIANCE (5:30pm)**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**060943.**

**2006 Albert "Ray" Massey Citizen Volunteer Award Recipients Day - February 26, 2007 (B)**

**RECOMMENDATION**

*Joannalyn Delacruz, Jean Lansford, and the Dignity Project, Inc. representatives to accept the proclamation.*

**Legislative History**

2/12/07 City Commission Postponed

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**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****ADOPTION READING-ROLL CALL REQUIRED****060588.****REZONING - 2500 BLOCK OF NORTH MAIN STREET (B)****Ordinance No. 0-07-01, Petition No. 161ZON-06PB**

**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 "MU-2: 12-30 units/acre mixed use medium intensity" to "BUS: General business district"; located in the vicinity of the 2500 block of North Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*The subject property is an approximately 0.82-acre vacant parcel that is located on the west side of North Main Street on the southwest corner of North Main Street and N.E. 1st Boulevard. The property is zoned MU-2 (12-30 units/acre mixed-use medium intensity) with C (Commercial) land use. To the north of the site is Main Street Chevrolet, a new and used car dealership with BA (Automotive-oriented business district) zoning and Commercial land use. To the south and west of the property is a community shopping center with MU-2 zoning and MUM (Mixed-Use Medium Intensity, 12-30 units per acre) land use. East of the property across North Main Street is Bush Gator Transmission and a currently vacant eating place that was the home of the Florida Buffet, also with MU-2 zoning and MUM land use.*

*The request of this petition is to change the zoning from MU-2 to BUS. This change is requested in order to bring the zoning into compliance with the existing land use. The land use was changed in 2003 from MUM to C, in anticipation of the subject property being rezoned to BA. The land use was approved but the zoning request failed at the second reading of the ordinance and a subsequent rehearing, when a neighboring property owner expressed concern about whether BA was the most compatible zoning category given that the adjacent property to the south is developed as a shopping center. The BUS district is another of the implementing zoning districts of the Commercial land use category and would be a more compatible district adjacent to the MU-2 zoned shopping center to the south.*

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

*Public notice was published in the Gainesville Sun on November 29, 2006. Letters were mailed to surrounding property owners on November 28, 2006. The Plan Board held a public hearing December 14, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board*

*recommended that the City Commission approve Petition 161ZON-06PB. Plan Board vote 6-0.*

**RECOMMENDATION**

*The City Commission: 1) approve Petition No. 161ZON-06PB; and 2) adopt the proposed ordinance.*

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## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

### 050749

#### ROAM TOWING REGULATIONS (B)

**Ordinance No.: 0-07-07**

**An ordinance of the City of Gainesville amending Chapter 14.5, Article III of the Gainesville Code of Ordinances relating to towing from certain private property; by requiring owner, operator and vehicle registration for trespass towing; requiring wrecker operator permits; providing permit specifications; providing for permit revocation and appeal; clarifying requirement for agreement when property ownership changes; requiring payment options by cash or major credit card or debit card; requiring photographs depicting violation and requiring telephone monitoring or staffing to provide specified information to owners or authorized drivers of vehicles; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.**

*Explanation: The City Commission on July 10, 2006 authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 14.5, Article III, to provide for owner, operator and vehicle registration before engaging in trespass towing. The amendment will also require wrecker operators to obtain permits from owner of the property or company and set the permit specifications, the grounds for permit revocation and the parameters for appeal. Additionally, the amendment clarifies the requirement for a new agreement when property ownership changes; requires acceptance of payment by cash, major credit card or debit card; requires photographs depicting the parking violation and requires telephone monitoring or staffing to provide specified information to owners or authorized drivers of vehicles.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

11/28/05	City Commission	Referred	Public Safety Committee
12/15/05	Public Safety Committee	Discussed	
2/16/06	Public Safety Committee	Discussed	
3/16/06	Public Safety Committee	Discussed	
4/10/06	City Commission	Approved as Recommended (4 - 0 - 3 Absent)	
6/15/06	Public Safety Committee	Discussed	

7/10/06 City Commission Approved as Recommended (7 - 0)

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**060496.**

**LAND DEVELOPMENT CODE - AMENDMENTS TO THE  
TRADITIONAL CITY SPECIAL AREA PLAN AND COLLEGE PARK  
SPECIAL AREA PLAN (B)**

**Ordinance No. 0-06-118; Petition 138TCH-06 PB**

**An ordinance of the City of Gainesville, Florida, amending Appendix A of the Land Development Code, relating to the Traditional City Special Area Plan and the College Park Special Area Plan; deleting references to College Park Special Area Plan in the Traditional City Special Area Plan; clarifying the parking standard in the Traditional City Special Area Plan; correcting the labels in the side setback graphic for the urban regulations for New Construction-Civic; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT*

*The Traditional City Special Area Plan in the Gainesville Land Development Code previously applied a few special development standards as interim measures while the College Park Special Area Plan awaited a more thorough updating by a hired consultant. Now that the full update of the College Park Plan has been completed, a minor deletion of a paragraph is necessary in the Traditional City Plan so that it no longer applies special regulations to College Park.*

*In addition, staff would like to take this opportunity to clarify a provision in the Traditional City Plan which has created confusion recently regarding the location of off-street parking.*

*Finally, a correction is necessary in the College Park Special Area Plan. Under the "Civic" building type, two boxes labeled "office" should instead be labeled "residential."*

*Public notice was published in the Gainesville Sun on September 5, 2006. The Plan Board held a public hearing September 21, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board, by a 4-0 vote, recommended that the City Commission approve Petition 138TCH-06 PBN.*

**CITY ATTORNEY MEMORANDUM**

*This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, March 12, 2007.*

**Fiscal Note: None**

**RECOMMENDATION**

*The City Commission (1) approve Petition 138TCH-06 PB, and (2) adopt the proposed ordinance.*

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**060664.****URBAN SERVICES REPORT – BEAR ARCHERY (B)****Ordinance 0-07-08**

**An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcel 07240-001-003, generally located south of the vicinity of the intersection of Interstate 75 and Archer Road, west of the City limits and Interstate 75, north of Parcel No. 07240-000-000 and east of Parcel 07240-000-000; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.**

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

*The report must generally include the following information:*

- 1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;*
- 2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

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

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**ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

060422.**PLANNED DEVELOPMENT AMENDMENT - GREENERY SQUARE (B)****Ordinance No. 0-06-125, Petition No. 104PDA-06PB**

**An Ordinance of the City of Gainesville, Florida; amending Ordinance Nos. 2678 and 4064, for the Planned Development commonly known as "Greenery Square"; located in the vicinity of the 5402 N.W. Eighth Avenue; amending the terms, conditions and requirements of the planned development as adopted by Ordinance Nos. 2678 and 4064; adopting revised development plan maps and a revised development report relating to the nursery and garden center; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

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

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

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

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

10/23/06	City Commission	Approved (Petition) with Staff Conditions, as Amended (6 - 0 - 1 Absent)
2/12/07	City Commission	Adopted on First Reading (Ordinance) (7 - 0)



*Series A Bonds. We recommend that the City Commission adopt the attached Authorizing Resolution which approves the sale of the 2007 Series A Bonds.*

*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 the issuance of the 2007 Series A Bonds as described above. Therefore, we recommend that these officials be authorized to take such other actions that may be necessary or desirable to proceed with the issuance and closing of the bond issue in accordance with this City Commission authorization.*

*Fiscal Note: There will be substantial present value savings that will accrue to our ratepayers from the refunding in the years through 2036.*

**RECOMMENDATION**

*The City Commission: 1. Adopt the attached resolution (Authorizing Resolution), which: (a)incorporates by reference and adopts, and authorizes the execution and delivery of, an Eighteenth Supplemental Utilities System Revenue Bond Resolution which authorizes the issuance, sale, execution and delivery of \$139,505,000 in aggregate principal amount of the City's tax-exempt Variable Rate Utilities System Revenue Bonds, 2007 Series A (2007 Series A Bonds) in order to advance refund a portion of the City's Utilities System Revenue Bonds, 2003 Series A and 2005 Series A (2003 and 2005 Series A Bonds); (b) approves the form, and authorizes the execution and delivery, of a contract of purchase between the City and Bear, Stearns & Co. Inc., as sole underwriter; (c)approves the form, and authorizes the execution and delivery, of a remarketing agreement between the City and Bear, Stearns & Co. Inc., pursuant to which Bear, Stearns & Co. will serve as the initial remarketing agent for the 2007 Series A Bonds; (d)approves the form, and authorizes the execution and delivery, of a tender agency agreement between the City and U.S. Bank Trust National Association (who currently serves as Trustee for our Utilities System Revenue Bonds), pursuant to which U.S. Bank Trust will serve as the initial tender agent for the 2007 Series A Bonds; (e) approves the form, and authorizes the execution and delivery, of a standby bond purchase agreement between the City and State Street Bank and Trust Company, pursuant to which State Street Bank and Trust Company initially will provide liquidity support for any 2007 Series A Bonds that are tendered for purchase and not remarketed; (f)approves the form, and authorizes the execution and delivery, of an escrow deposit agreement relating to the advance refunding of a portion of the 2003 and 2005 Series A Bonds, authorizes the deposit of bond proceeds and certain other amounts into the escrow account to be established pursuant to said escrow deposit agreement, authorizes the investment of such*

monies in United States Treasury Securities - State and Local Government Series and ratifies the subscription for such United States Treasury Securities; (g) authorizes the authentication and delivery of the 2007 Series A Bonds; (h) approves the form and use of the official statement relating to the 2007 Series A Bonds; (i) authorizes the registration or qualification of the 2007 Series A Bonds under the blue sky laws of various states; (j) in the event that the 2007 Series A Bonds are converted to the auction mode, the term mode or the fixed mode, approves the form, and authorizes the execution and delivery, of a continuing disclosure certificate; (k) authorizes certain City officials to take other actions in connection with the issuance, sale and delivery of the 2007 Series A Bonds; (l) delegates the authority to extend the term of any facility providing liquidity support for the 2007 Series A Bonds or to procure another facility in substitution therefor; and (m) delegates the authority to remove the remarketing agent and/or the tender agent for the 2007 Series A Bonds and to appoint successor(s) therefor.

2. Authorize the Clerk of the Commission, the General Manager and other Authorized Officers of the City (as defined in the City's Amended and Restated Utilities System Revenue Bond Resolution) to execute such documents as may be necessary to proceed with the transaction authorized above, subject to the approval of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with such transaction in accordance with this City Commission authorization.

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## PLAN BOARD PETITIONS

### 060735.

#### **Reestablish the Oak Point Office Park Planned Development (B)**

**Petition 17SPDA-06 PB. Frederick L. Henderson, agent for James D. Henderson, II, Oak Point Office Park. Reestablish an expired PD with modified PD layout plans for an office development. Zoned: PD (Planned development). Located at 3501 South Main Street.**



*Explanation: The six-acre, subject property was zoned Planned Development in 1988 under petition 224PDV-87. The Ordinance was approved on March 7, 1988. Phase one of the project was constructed in 1989 to include a 4,000-square-foot office building. The remaining 26,000 square feet were not built. The Planned Development has since expired and has, therefore, voided any further development.*

*The applicant wishes to proceed with development to include a total of 40,000 square feet of office use and is requesting a modification to the existing PD to allow the proposed development.*

*The property has a triangular shape. One side of the triangle is South Main Street to the west; the other is Williston Road to the east; and a residential subdivision, Colclough Hills, is to the north. The property to the west, across South Main Street, is zoned Conservation. To the east, the property is undeveloped and under the jurisdiction of Alachua County. The residential development to the north of the subject property is zoned RSF-1 (Single-Family Residential, 3.5 units per acre). Three lots within the Colclough Hills Subdivision have a common boundary with the subject property but only one is developed. The original Planned Development included a 50-foot setback from residential, which will be maintained as before.*

*The Plan Board reviewed the request and recommended approval with conditions after hearing citizen comments.*

*Public notice was published in the Gainesville Sun on January 2, 2007. Letters were mailed to surrounding property owners on January 3, 2007. The Plan Board held a public hearing January 18, 2007.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 175PDA-06 PB, with conditions. Plan Board vote 5-0.*

*Staff to Plan Board - Approve with conditions.*

*Alternative Recommendation A: The City Commission deny the petition.*

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**060853.**

**Amend Future Land Use Map from SF to RM for Saul Silber Properties (B)**

**Petition 193LUC-06 PB. Saul Silber. Amend the City of Gainesville 2000-2010 Future Land Use Map from SF (Single-family, up to 8 units per acre) to RM (Residential Medium Density, 8-30 units per acre. Located at 400 Northeast 11th Street, 410 Northeast 11th Street and 401 Northeast 10th Street. Related to Petition 194 ZON-06 PB.**

*Explanation: The subject property is 1.4 acres and is currently developed with a multi-family housing with 20 dwelling units.*

*The property currently has single-family residential land use. The property was changed to single-family from multi-family in the early 1980s. This petition would make the existing multi-family housing on the property conform with the land use of the property.*

*Existing, surrounding development consists of single-family and multi-family homes and apartments. This petition is related to Petition 194ZON-06PB, which proposes residential multi-family zoning that is consistent with the proposed land use category.*

*The Plan Board heard the petition and recommended that it be denied based on the fact that the Board did not believe elimination of a landlord license fee was sufficient justification for changing land use and zoning. However, the Board recommends that the City Commission consider waiving landlord licenses for non-conforming multiple-family housing in areas with single-family zoning.*

*Given that it may not be legally possible to waive the landlord license fee for the property owner, an alternative would be a land use change to Residential-Low (RL), up to 12 units per acre, and a zoning change to RMF-5 (12 units per acre, single-family/multiple-family residential district) as a way of addressing the issues on this property since it is already developed as multi-family.*

*This alternative would allow the property to be treated as a multi-family development, with no landlord fee for each unit, while restricting future redevelopment of the site to an intensity that may be more compatible with the neighborhood. The current development on the property is 20 units, and the maximum under this alternative would be 17 units. Stormwater, parking, and landscaping requirements would probably reduce this number to 12 units if the current development were ever replaced. The RMF-5 zoning would allow a variety of housing types: single-family, detached units and up to six units of attached rowhouses. This option would provide a step-down in zoning from the property to the south, which maintains a Residential Medium (8 to 30 units per acre) land use.*

*Public notice was published in the Gainesville Sun on January 2, 2007. Letters were mailed to surrounding property owners on January 3, 2007. The Plan Board held a public hearing January 18, 2007.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - Deny Petition 193LUC-06 PB. Plan Board vote 4-1. Staff originally recommended to the City Plan Board that this be approved, but accepts and is moving forward to the City Commission the Plan Board's recommendation to deny.*

*Alternative Recommendation A: Approve a land use change to Residential-Low (up to 12 units per acre)*

*and zoning change to RMF-5 (12 units per acre single-family/multiple-family residential district), since the property is already developed as multi-family.*

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### **060855.**

#### **Rezone Property from RSF-2 to RMF-7 for Saul Silber Properties (B)**

**Petition 194ZON-06 PB. Saul Silber. Rezone property from RSF-2 (4.6 units/acres single-family residential district) to RMF-7 (8-21 units/acre multiple-family residential district). Located at 400 Northeast 11th Street, 410 Northeast 11th Street and 401 Northeast 10th Street. Related to Petition 193LUC-06 PB.**

*Explanation: The subject property is 1.4 acres and is currently developed with multi-family housing with 20 dwelling units.*

*The property currently has single-family residential land use. The property was changed to single-family from multi-family in the early 1980s. This petition would make the existing multi-family housing on the property conform more closely with the underlying zoning of the property.*

*Existing, surrounding development consists of single-family and multi-family homes and apartments. This petition is related to Petition 193LUC-06PB, which proposes residential medium density land use.*

*The Plan Board heard the petition and recommended that it be denied based on the fact that the Board did not believe elimination of a landlord license fee was sufficient justification for changing land use and zoning. However, the Board recommends that the City Commission consider waiving landlord licenses for non-conforming multiple-family housing in areas with single-family zoning.*

*Given that it may not be legally possible to waive the landlord license fee for the property owner, an alternative would be a land use change to Residential-Low (RL), up to 12 units per acre, and a zoning change to RMF-5 (12 units per acre, single-family/multiple-family residential district), as a way of addressing the issues on this property since it is already developed as multi-family.*

*This alternative would allow the property to be treated as a multi-family development, with no landlord fee for each unit, while restricting future redevelopment of the site to a use that may be more compatible with the neighborhood. The current development on the property is 20 units, and the maximum under this alternative would be 17 units. Stormwater, parking, and landscaping requirements would probably reduce this number to 12 units if the current development were ever replaced. The RMF-5 zoning would allow a variety of housing types: single-family, detached units and up to six units of attached rowhouses. This option would provide a step-down in zoning from the property to the south, which maintains an RMF-7 zoning.*

*Public notice was published in the Gainesville Sun on January 2, 2007. Letters were mailed to surrounding property owners on January 3, 2007. The Plan*

*Board held a public hearing January 18, 2007.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - Deny Petition 194ZON-06 PB. Plan Board vote 4-1. Staff originally recommended to the City Plan Board that this be approved, but accepts and is moving forward to the City Commission the Plan Board's recommendation to deny.*

*Alternative Recommendation A: Approve a land use change to Residential-Low (up to 12 units per acre) and zoning change to RMF-5 (12 units per acre single-family/multiple-family residential district), since the property is already developed as multi-family.*

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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)**