

# **City of Gainesville**

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



## **Meeting Agenda**

**December 13, 2004**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

***Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Tony Domenech (District 3)  
Commissioner Warren Nielsen (At Large)  
Commissioner Rick Bryant (At Large)  
Commissioner Chuck Chestnut (District 1)  
Commissioner Ed Braddy (District 2)  
Commissioner Craig Lowe (District 4)***

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

## CALL TO ORDER - 1:04 PM

## 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 Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.)"*

## ROLL CALL

## INVOCATION

*Captain Caleb Prieto, Salvation Army  
639 E. University Avenue, Gainesville, FL 32601*

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

**030563**

### **First Amendment to Interlocal Agreement with Alachua County for Middle School After School Program Funding (B)**

*Explanation: At the September 13, 2004 City Commission meeting, an Interlocal Agreement was approved to fund \$50,000 per year for a Middle School After School Program (Teen Zone) at Kanapaha Middle School. Alachua County also agreed to fund the Program in the amount of \$12,700 to complete fiscal year 2004 (August-September), \$50,000 for fiscal year 2005, and \$50,000 for fiscal year 2006. The County has now agreed to provide an additional \$25,000 per year in funding for fiscal years 2005 and 2006, bringing the County's total funding commitment to \$75,000 for each of those fiscal years.*

*Because it is the intent of the Interlocal Agreement that the City's Recreation and Parks Department staff administer the Program, the County and the City have prepared a First Amendment to the Interlocal Agreement amending the County's fiscal responsibilities to reflect the additional \$25,000 per year for fiscal years 2005 and 2006.*

*Fiscal Note: The County has committed an additional \$25,000 for fiscal years 2005 and 2006 to the Program, bringing the County's total funding for each of those years to \$75,000.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager or designee to negotiate all documents and contracts relating to the First Amendment to the Interlocal Agreement for funding of the Middle School After School Program (Teen Zone) at Kanapaha Middle School; and 2) authorize the Interim City Manager to execute all documents and contracts relating to the program.*

**Legislative History**

10/27/03 City Commission Approved, as shown above (7 - 0)  
 12/8/03 City Commission Approved as Recommended (7 - 0)  
 9/13/04 City Commission Approved as Recommended (6 - 0 - 1 Absent)

**040464****Distribution of the Remaining Community Partnership Matching Grant (TANF) Recovered Funds (B)**

*Explanation: The City of Gainesville received a \$1,111,200 Community Partnership Matching Grant from the State of Florida Department of Children and Families. Previously, the State granted a no-cost extension for this grant to December 31, 2004. The State has recently certified that the remaining balance of grant funds is available to the City for TANF-eligible programs and activities occurring after June 30, 2004. The State of Florida Department of Children and Families has reimbursed the City for eligible expenditures in the entire amount of \$1,111,200.*

*Fiscal Note: On September 27, 2004, the City Commission authorized staff to transfer funds recovered through June 30, 2004, in the amount of \$496,082.37 into the departmental accounts from which the eligible expenditures occurred. The remaining recaptured funds in the amount of \$59,517.63 are available to be transferred back into the departmental accounts from which the expenditures occurred. Funds have been disbursed in the proper amount to the Partnership for Strong Families.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to: 1) transfer the remaining recovered funds to the appropriate departmental accounts; and 2) apply the entire additional amount of the Police Department's TANF recovery to the costs of the new Reichert House facility.*

**Legislative History**

9/27/04 City Commission Approved as Recommended (7 - 0)

**040767****Bid Award for Janitorial Services to Downtown Parking Garage (B)**

*Explanation: The Downtown Parking Garage will be open for business seven days a week, 24 hours per day beginning December 13, 2004. Janitorial services will be required seven days per week, including holidays.*

*Award of bid will be selected from the lowest responsive bidder.*

*Fiscal Note: Funds are available in the other contractual services account for the downtown parking garage.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to: 1) award bid to the lowest responsive bidder; and 2) authorize the issuance of a purchase order to the lowest responsive bidder in an amount not to exceed \$35,000 for annual janitorial services to the Downtown Parking Garage.*

**040768**

**Bid Award - Old Landfill at Sweetwater Branch (B)**

*Explanation: Since 2002, consultants and staff have been working with the Florida Department of Environmental Protection (FDEP) on developing a plan to provide proper cover on the bank of a closed landfill that adjoins Sweetwater Branch. An August 2003 Consent Agreement provides FDEP with a description of the tasks and schedule for accomplishing the necessary work. The City obtained approval of a conceptual plan for the work in April 2004, and prepared bid documents by October 27, 2004. Purchasing solicited bids from six hundred ninety-nine potential bidders with thirty-three receiving the bid document. One bid was received. After evaluation of the bid, staff recommends award of the contract to CEM Enterprises, Inc. The Bid award recommendation contains several alternates that are judged as adding substantive value to the work for a small incremental cost. These items are included in the award recommendation, which is higher than the base bid.*

*Fiscal Note: Funds are available in the Solid Waste Enterprise Fund balance account.*

**RECOMMENDATION**

*The City Commission: 1) approve the award of the bid to CEM Enterprises, Inc. for the Old Landfill/Sweetwater Branch and Bank Stabilization 2) authorize the Interim City Manager or designee to execute a contract with CEM Enterprises, Inc., in a not to exceed amount of \$1,181,145, based on the items listed in the bid award summary 3) authorize the Interim City Manager to execute all documents related to these authorizations for the project; and 4) authorize all necessary budget amendments, including the transfer of funds from the Solid Waste Enterprise Fund balance.*

**040769**

**Bid Award for RTS Creative Services Management Contract (B)**

*Explanation: Regional Transit System (RTS) provides marketing and advertising material to residents and visitors in the RTS service area. On November 7, 2003, The Zimmerman Agency was awarded a contract to provide and manage all creative services. The contract period for work under this agreement commenced upon final execution and continued until September 30, 2004. At the end of the*

contract period, the City chose not to extend the contract. The City's current contract with The Zimmerman Agency expired September 30, 2004. The Purchasing Division notified 143 potential suppliers and submitted Request for Proposals to 23 providers for a one year contract to be established with a licensed professional to provide and manage all creative services, including print production, media scheduling (print, television and radio) and website maintenance. The contract to provide these services shall begin upon signing of the contract and continue through September 30, 2005, with an option by the City to renew for three (3) additional one-year periods.

Five (5) proposals were received and evaluated based on four (4) weighted criterion. The two finalists: Group 5 Advertising and Kcom Media were invited to participate in oral presentations on November 1, 2004. These presentations were evaluated based on three (3) weighted criterion. The final ranking total for each agency was calculated by adding the total agency weighted score for the written proposal and oral presentation. The written proposal and oral presentation were weighted equally fifty percent (50%). Group 5 Advertising was evaluated and ranked as the best-qualified proposal.

RTS staff understands that the City is moving forward with plans to brand the City with a unified look in all of the marketing and outreach efforts. The contract will allow staff to modify its materials, as necessary. However, this contract is critical for publishing route schedules and maps for the Spring schedule, so it is imperative that these services not be delayed.

*Fiscal Note:* Funds for this contract in the amount of \$173,500 are available in the RTS FY 05 Budget.

**RECOMMENDATION**

The City Commission: 1) approve the bid award to Group 5 Advertising; and 2) authorize the Interim City Manager or designee to execute a contract with Group 5 Advertising to provide and manage all creative services for RTS, and any other necessary documents.

**040770**

**Interlocal Agreement with Alachua County for Enhanced Transit Service, Route 75 (B)**

*Explanation:* Each year the City of Gainesville and Alachua County enter into an Interlocal Agreement for the City to provide public service to residents and visitors in the surrounding urbanized area. Route 75 will provide service every 30 minutes on weekdays (from 6:00 a.m. to 11:30 a.m. and 3:00 p.m. to 8:15 p.m.) and every 90 minutes on Saturdays and holidays (from 6:45 a.m. until 6:45 p.m.). In response to a request to provide enhanced transit service to Tower Road, the County will pay the City for a three-year period from October 1, 2004 through September 30, 2007 for continuation of transit enhancements on Route 75.

*Fiscal Note:* The City will receive \$299,410 of revenue from the County in quarterly payments of \$74,852.50 for the period of October 1, 2004 through September 30, 2005. The City will receive \$336,820 of revenue from the County in quarterly payments of \$84,205 for the period of October 1, 2005 through September 30, 2006. The City will receive \$374,230 of revenue from the County in quarterly payments of \$93,557.50 for the period of October 1, 2006 through

September 30, 2007.

**RECOMMENDATION**

The City Commission authorize the Interim City Manager or designee to execute the Interlocal Agreement with Alachua County for enhanced transit service, Route 75, for the period of October 1, 2004 through September 30, 2007, and any other necessary documents.

**040771**

**Interlocal Agreement with Alachua County for Base Level Transit Service (B)**

*Explanation:* Each year, the City of Gainesville and Alachua County enter into an Interlocal Agreement for the City to provide public transit services to residents and visitors in the surrounding urbanized area. The County has agreed to extend the agreement for a three-year period from October 1, 2004 through September 30, 2007, for base level transit service with an annual increase for each of the three years.

*Fiscal Note:* The City will receive \$308,355 of revenue from the County in quarterly payments of \$77,088.75 for the period of October 1, 2004 through September 30, 2005. The City will receive \$369,530 of revenue from the County in quarterly payments of \$92,382.50 for the period of October 1, 2005 through September 30, 2006. The City will receive \$430,705 of revenue from the County in quarterly payments of \$107,676.25 for the period of October 1, 2006 through September 30, 2007.

**RECOMMENDATION**

The City Commission authorize the Interim City Manager or designee to execute the Interlocal Agreement with Alachua County for base level transit service for the period of October 1, 2004 through September 30, 2007, and any other necessary documents.

**040772**

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

*Explanation:* This Amendment is for additional work performed by Environmental Consulting Technology, Inc. related to the "Sprout" project for the site analyses, development plans and specifications, and services during construction for Phase 1 (West Pond). This Amendment is necessary to adjust the budget for professional services to include work completed to date, and to allow for completion of a variety of tasks presented on the summary. This adjustment shifts the project allocated budget between tasks where under/over runs were experienced.

*Highlights of the summary are as follows:* 1) Task 1.2.7 - Special Consultation was created to identify all work related to responding to oversight agency comments after submitting the Feasibility and Risk Assessment documents. At this time, it appears Agency approvals have been obtained; 2) Task 4 - Work

involved with the preparation of the Remedial Action Plan (RAP) exceeded the estimates prepared during 1999 due to the complexity of developing alternate soil contamination target levels for the site for incorporation into the plan. GRU has included in Task 4.1.1 some RAP work necessary for the Poole Roofing site in this contract due to the present plan to lump the remediation of the Poole and former CSX sites together; 3) Task 5 - Increases for GRU are necessary to complete the geotechnical work to support final remedial design on the Poole site. Increases for the stormwater utility are necessary to complete the basin design and permitting as well as for oversight services for the Phase 1 portion of the work. Oversight services include contingency funding for the consultant if additional contamination is uncovered during Phase 1 construction. City forces will be responsible for day-to-day inspections and documentation of work progression; 4) Tasks 6 and 7 - These increases are judged necessary to complete the design phases of the project; and 5) Tasks 8 and 9 - These increases are the best estimates on the level of effort necessary to deal with minor amounts of contamination material found in the off-site drainage ditch and to provide a contingency fund for unanticipated future requirements.

*Fiscal Note:* Gainesville Regional Utilities will be responsible for \$123,092 of the total, and General Government/ Stormwater Utility will be responsible for the balance of \$123,348. These adjustments bring the revised purchase order amount to \$1,926,079. Funds are available in both General Government/Stormwater Utility, the State Revolving Fund sources, and the Gainesville Regional Utilities Gas System budgets for this work.

**RECOMMENDATION**

*The City Commission:* 1) authorize issuance of the Tenth Amendment to the contract with Environmental Consulting Technology, Inc. in the amount of \$246,440; 2) approve amending the purchase order to Environmental Consulting Technology, Inc., to a not to exceed amount of \$1,926,079; and 3) authorize the Interim City Manager to execute all documents related to these authorizations for the project.

**040773**

**Quit Claim Deed to Habitat for Humanity for Tax Parcel #15955-007-000 (B)**

*Explanation:* On August 10, 1998, the City Commission approved the donation of tax parcel #15955-007-000, located at 105 Southeast 13th Lane, to the Alachua Habitat for Humanity, Inc. (Habitat). The City donated the property to Habitat to develop a residence to assist the City in its continuing efforts to provide affordable homeownership opportunities for low-income families in the Gainesville Community.

On July 14, 1999, the City transferred the property to Habitat via a quit claim deed. The deed contained an automatic reverter clause if Habitat did not adhere to the following: 1) commence and complete the construction of single-family buildings on the property within two years from the date of the deed; and 2) convey the property to a low-income family to own and occupy the property as a principal residence within 90 days after the issuance of the

*Certificate of Occupancy.*

*Habitat commenced with the construction of a single-family home on the property within the required time frame for an eligible low-income family. However, the family had to move out of Florida due to a job transfer. Thus, Habitat had to identify another eligible low-income family to complete the home. As a result, there was a delay in completing the construction of the home. The construction of the home was completed in 2003, and the new family is currently living in the home. Habitat is requesting that the City issue a corrective deed to revert the property back to Habitat in order to effectively transfer the property to the new family.*

*Fiscal Note: None.*

**RECOMMENDATION**

*The City Commission: 1) approve the issuance of a quit claim deed to revert tax parcel #15955-007-000 to Alachua Habitat for Humanity, Inc.; and 2) authorize the Mayor to execute the quit claim deed, to effect the conveyance of this property, subject to approval by the City Attorney.*

**040774****Mutual Aid Agreement Between the City of Gainesville Police Department and the Jacksonville Beach Police Department (B)**

*Explanation: The City of Jacksonville will host Super Bowl XXXIX during the week of January 31 to February 6, 2005. Due to the large crowds expected in the Jacksonville Beach area, the Jacksonville Beach Police Department has requested the assistance of the Gainesville Police Department and other surrounding law enforcement agencies for crowd and traffic control during this week. The Mutual Aid Agreement is a standard agreement between two law enforcement agencies provided through the Florida Department of Law Enforcement. The Gainesville Police Department will provide four officers for this detail.*

*Fiscal Note: At the time when mutual aid is extended, the cost of personnel, equipment, and any liabilities related to the use of same is borne by the offering agency. The City of Jacksonville Beach will provide lodging and per diem expenses.*

**RECOMMENDATION**

*The City Commission authorize the Chief of Police to execute the Mutual Aid Agreement for operational assistance between the City of Gainesville Police Department and the Jacksonville Beach Police Department.*

**040775****Appropriation of Capital Funding for Channel 12 Upgrades (NB)**

*Explanation: Continuing and improving the operations of Cable Channel 12 are goals of both the City and the County. Doing so will require expenditure of funds for capital improvements, replacements, and enhancements. The identified needs and projected costs are as follows:*



1. Replacement of obsolete equipment in the City Auditorium Control room (\$20,000)
2. Replacement of analog broadcast equipment with digital (\$120,000)
3. Equipment for broadcast production studio (\$20,000)
4. Repair and maintenance of existing equipment (\$10,000)

Therefore, the total appropriation required is \$170,000.

*Fiscal Note:* The City has received its first-year of capital funding from Cox Cable in the amount of \$318,500. It is anticipated that Alachua County will partially reimburse the City in an amount of \$46,981 for Items #2 and #4. Such reimbursements from the County will be similarly restricted for capital and will be accounted for the same as the Cox Cable capital funding. City staff is requesting the full amount be appropriated from the restricted City funds so that the funding is available and the purchase process can proceed efficiently. These expenditures were contemplated in the underlying basis for the capital contribution negotiated with Cox.

**RECOMMENDATION**

The City Commission establish a total budgetary revenue of \$318,500 to be restricted for capital funding for PEG channel upgrades and appropriate \$170,000 of this amount for currently identified capital needs.

**040776**

**Authorization to Execute Satisfaction of Loan Documents for Small Business Loans and Third Mortgage Loans. (B)**

*Explanation:* Prior to March 31, 2004, United Gainesville Community Gainesville Development Corporation (UGCDC) originated a number of small business loans using Community Development Block Grant (CDBG) funds that were allocated by the City of Gainesville. In addition, in 1988 UGCDC made third mortgage loans to several homebuyers in Porter's Oaks Phase I using funds that were granted to UGCDC by the City.

On March 31, 2004, UGCDC ceased operations and began the process of dissolving its non-profit corporate status. As a requirement of prior contracts (subrecipient agreements) between the City and UGCDC, UGCDC was required to return to the City any assets that were attributed to City funding, including any outstanding small business loans and third mortgage loans. At the time UGCDC ceased operations, there were seven outstanding small business loans and ten third mortgage loans. These loans are in the process of being assigned to the City.

As the small business and third mortgage loans are paid off or otherwise satisfied by the respective borrowers, the City needs to execute a variety of loan satisfaction documents. To date, one small business loan that was previously in default has been cleared through bankruptcy, and another loan has been fully repaid. Staff is now in a position to execute releases and/or loan satisfaction documents for the loan that was repaid (an example is attached as back up).

*Fiscal Note: Funds are budgeted in the Block Grant Division and Economic Development Department to cover the costs of recording all required documents.*

**RECOMMENDATION**

*The City Commission authorize the Interim City Manager or designee to execute all required satisfaction of loan documents pertaining to small business loans and third mortgage loans assigned to the City by United Gainesville Community Development Corporation, subject to approval by the City Attorney as to form and legality.*

**040777**

**Continuation of Blue Cross/Blue Shield Administrative Services Contract (B)**

*Explanation: Blue Cross and Blue Shield of Florida, Inc. has been the Administrator of the City's self-insured Group Health Plan since January 1, 1993. The City's contract with Blue Cross and Blue Shield of Florida, Inc. allows for annual renewals upon mutually agreeable rates. Staff has found that the renewal rates submitted to the City from Blue Cross and Blue Shield is conservative based on national and regional industry trends. In addition, the City and its employees have realized considerable savings due to Blue Cross and Blue Shield's negotiated provider rates. Based on satisfactory past performance, the Risk Management staff recommends that the City Commission authorize continuance of the Blue Cross and Blue Shield Administrative Services Contract for the City's self-insured Group Health Plan for the 2005 plan year.*

*Fiscal Note: Funds have been budgeted in the Employee Health and Accident Benefits (EHAB) Fund and the Retiree Health & Accident Benefits Fund (REHAB) in a sufficient amount necessary to cover these expenditures.*

**RECOMMENDATION**

*The City Commission authorize: 1) the continuation of the Administrative Services Contract between the City of Gainesville and Blue Cross and Blue Shield of Florida, Inc. for one (1) additional year; 2) the issuance of a purchase order in an amount sufficient to cover applicable charges for the administrative services to Blue Cross and Blue Shield of Florida, Inc.; and 3) the Interim City Manager or designee to negotiate and execute the extension to the Administrative Services Contract.*

**040778**

**Specific Stop-Loss Insurance for Employee Health and Accident Benefits (EHAB) Fund (B)**

*Explanation: The City of Gainesville purchases specific stop-loss insurance to protect the City's Group Health Plan. Specific stop-loss insurance is a risk-financing tool used to transfer the risk of catastrophic health claims to a third party. Under a stop-loss arrangement, the City's Group Health Plan would be responsible to pay for a claim until it reaches a set dollar amount called the attachment point.*

*Once the claim exceeds the attachment point, the insurer will reimburse the Group Health Plan for all costs paid above the attachment point.*

*The City, through its insurance broker Arthur J. Gallagher & Co., utilized a Request for Proposal process to market the specific stop-loss insurance program. Arthur J. Gallagher solicited bids from six (6) insurance companies and received four (4) qualified bids. Based on the review of these bids, Arthur J. Gallagher & Co. and the City's Risk Management Department recommends Symetra as the insurance carrier for the City's specific stop-loss insurance provider.*

*Fiscal Note: Funds are available in the fiscal year 2005 EHAB Fund Budget.*

**RECOMMENDATION**

*The City Commission: 1) approve the selection of Symetra as the insurance carrier for Specific Stop-Loss coverage; 2) authorize the issuance of a purchase order in an amount sufficient to cover the estimated cost of providing this insurance; and 3) authorize the Interim City Manager or designee to negotiate with and enter into an initial agreement for one (1) year, with the option of two (2) additional one-year renewals if mutually acceptable rates are obtained.*

**040779**

**Award of Retiree Health Plan & the Disability Pension Plan Investment Performance Consultant Contract (NB)**

*Explanation: The City recently amended its investment ordinance to provide for a change in the manner in which assets of the Retiree Health Plan and the Disability Pension Plan trust funds are invested. The objective is to convert the investment process for the assets of these trust funds to the process utilized for the City's other two (2) defined benefit pension plans. An important part of this process is utilizing a performance consultant to assist management in selecting investment managers, determining the proper asset allocation mix for the funds, and monitoring and reporting on the performance of the investment managers.*

*A Request For Proposals for performance consultant services was distributed to 178 firms and 9 responses were received. Based on the evaluation of these responses, staff recommends award of the contract to Smith Barney Consulting Group.*

*Fiscal Note: The proposed change to the permitted investment instruments in the Retiree Health Plan Trust Fund and the Disability Pension Plan Trust Fund should enhance the return on investments in the two funds over time, and other factors held equal, work to reduce the plan sponsor's required contributions to these funds. Monies are available in the trust funds to cover the expense associated with the consultant contract.*

**RECOMMENDATION**

*The City Commission authorize the Interim City Manager or designee to negotiate and execute a contract for performance consultant services with*

*Smith Barney Consulting.*

**040780 Settlement of Worker's Compensation Claim - James Dale (NB)**

*Explanation: While employed as a Vehicle Service Attendant with RTS, Mr. James Dale suffered an injury to his lower back, hip, and thigh that has required ongoing medical treatment by multiple medical providers. As a result of his injury and subsequent permanent work restrictions imposed by his treating physicians, Mr. Dale is no longer able to perform the essential functions of his job as a Vehicle Service Attendant.*

*Recently, the City and Mr. Dale attempted to mediate a settlement of his Worker's Compensation claim. Mr. Dale and his attorney have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, RTS Department, Special Counsel and the City's Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$33,970 includes all attorney fees, future medical costs, past and future indemnity payments, and taxable costs.*

*Fiscal Note: The settlement of this case in the amount of \$33,970 will be paid out of the General Insurance Fund.*

**RECOMMENDATION**

*The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. James Dale in the amount of \$33,970.*

**040781 Settlement of Worker's Compensation Claim - Kim W. Owens (NB)**

*Explanation: While employed as a Lineman, Mr. Kim W. Owens suffered an injury involving both the left and right upper extremities that has required ongoing medical treatment by multiple medical providers, which included bilateral surgery. As a result of his injury and subsequent permanent work restrictions imposed by his treating physicians, Mr. Owens is no longer able to perform the essential functions of his job as a Lineman.*

*Recently, the City and Mr. Owens attempted to mediate a settlement of his Worker's Compensation claim. Mr. Owens and his attorney have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, GRU, Special Counsel and the City's Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$55,750, includes all attorney fees, future medical costs, past and future indemnity payments, and taxable costs.*

*Fiscal Note: The settlement of this case in the amount of \$55,750 will be paid from funds in the Electric Operating System.*

**RECOMMENDATION**

*The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation*

*claim of Kim W. Owens in the amount of \$55,750.*

**040783****U.S. Department of Justice, "Internet Crimes Against Children" (ICAC) Cooperative Agreement Application (NB)**

*Explanation: On November 10, 2003, the City of Gainesville was awarded \$277,808.00 through a cooperative agreement with the United States Department of Justice "Internet Crimes Against Children" (ICAC) program. This 18-month program has been a tremendous success. The North Florida Internet Crimes Against Children Task Force (ICAC) was established at the Gainesville Police Department in December of 2003 as one of 45 ICAC's located around the United States. The North Florida ICAC provides investigative support and coordination to all law enforcement agencies in the northern 38 counties of Florida investigating crimes against children involving the use of computers and the Internet. During the past 12 months, the two full time GPD Investigators assigned to the Task Force have handled over 1000 cybertips from the National Center for Missing and Exploited Children, assisted Task Force members in the arrests of over 20 suspects for charges ranging from online enticement to manufacture, distribution, and possession of child pornography. The North Florida ICAC allows individual agencies to leverage resources from other members and successfully investigate and prosecute these difficult and wide ranging crimes.*

*The Gainesville Police Department has been notified by the U.S. Department of Justice that applications for continued funding will be accepted during the month of December 2004. The request would continue to fund the current two investigator Unit at GPD, and allow funding for one additional investigator, vehicle, and associated benefits.*

*Fiscal Note: The grant allows funding requests for up to \$400,000 for an 18-month budget and project period. This cooperative agreement with the U.S. Department of Justice does not require any local matching funds. The City of Gainesville would be eligible to apply for continuation funding at the end of that time, but should funding not be available, agree to continue funding from local sources for twelve months past the end of the grant. The continuation funding would not be expected to exceed \$150,000.*

**RECOMMENDATION**

*The City Commission authorize the Interim City Manager to 1) apply for up to \$400,000 in continued funding through a cooperative agreement with the U.S. Department of Justice "Internet Crimes Against Children" (ICAC) program; and 2) if awarded, execute the cooperative grant agreement and any other necessary documents, pending review by the City Attorney as to form and legality.*

**040784****Emergency Watershed Protection Program (B)**

*Explanation: A tributary to the Hogtown Creek flows through the Lenox Place subdivision*

located at the northeast corner of NW 8 Avenue and NW 43 Street. Severe erosion of the creek crossing was suffered within Lenox Place during Hurricane Frances. This material eroded into the creek causing obstruction of the creek flows and causing further damage to the structure and threatening upstream flooding. In addition, there are many downed trees in and across the creek that have the potential of creating increased flooding, not only within Lenox Place, but upstream areas as well. The roadways within Lenox Place are privately owned and maintained, and therefore do not fall under the City of Gainesville's maintenance program; however, they are a part of the Stormwater Management Utility program.

Consultants for Lenox Place identified a grant program under the United States Department of Agriculture Natural Resources Conservation Service (NRCS) that will provide \$122,500 towards the repair of the road bank and tree removal. The NRCS requires a local government sponsor to apply for this funding. The sponsor is required to provide 25% of the cost of construction and in-kind contribution of project design drawings and inspection services. Lenox Place has agreed to provide the 25% cash contribution and the in-kind contribution of design drawings and inspection services in return for the City of Gainesville sponsorship of the project.

*Fiscal Note: No fiscal impact.*

**RECOMMENDATION**

*The City Commission authorize the Interim City Manager to execute all associated documents for the Emergency Watershed Protection Program for the Lenox Place Subdivision.*

**040785**

**Bicycle Action Plan (B)**

*Explanation: The League of American Bicyclists has been awarding Bicycle Friendly Community designations under the Bicycle Friendly Communities Program for a number of years. Initially the designated communities were required to pay for display signs in the gateway areas to cities. The Program now requires interviews within the community and an application process that identifies all of the engineering, education, enforcement, and encouragement efforts made in the community.*

*This year the City of Gainesville was awarded a "Silver" level Bicycle Friendly Community designation. As such, staff will sign a Bicycle Action Plan listing ten (10) elements continuing the City's Bicycle Friendly Community Program. Many elements of the Action Plan are already components the City's own Bicycle Pedestrian Program.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission approve the Bicycle Action Plan.*

**040786**

**Purchase Agreement - Trachtenberg Enterprise Group, Inc. (B)**

*Explanation: In late October, the Economic Development Department was contacted by Mr. Stephen Trachtenberg, President of Quartz Solutions. This firm is a manufacturer of granite and quartz countertops and is currently located in Bradford County. Mr. Trachtenberg expressed interest in purchasing Lot 3, a prominent corner lot located within the City of Gainesville Airport Industrial Park, to construct his new manufacturing facility in Gainesville. The Company is experiencing fast growth, necessitating a new facility. Mr. Trachtenberg resides in Gainesville.*

*Staff has negotiated a purchase agreement on Lot 3 with Mr. Trachtenberg. The agreement contains the following salient points:*

- \* Purchase price for five acres is \$100,000, the assessed value of the land;*
- \* The purchaser's offer is contingent upon the ability to construct a manufacturing facility and showroom on the premises. This seems to be permissible based upon a First Step meeting held on October 25th;*
- \* The purchaser indicated an interest in obtaining an Industrial Revenue Bond to prospectively finance the purchase of the land and construction of the building. Staff attempted to facilitate this by putting the purchaser and his attorney in touch with City bond counsel. This option proved not to be in the best financial interest of the purchaser;*
- \* The purchaser indicated that he sought the waiver of any applicable impact fees. Staff is not aware of any impact fees administered by the City of Gainesville at this time;*
- \* The purchaser indicated that he sought all required utilities within the right of way of the public roads immediately adjacent to the premises, between property line and back of curb, on the premise side of road. This fact was subsequently confirmed by the purchaser's prospective contractor following a meeting with GRU staff on November 18th;*
- \* No other incentives are offered other than those that are adherent to the Enterprise Zone and the services of the Economic Development Director in facilitating the project through the normal Development Review process.*

*Quartz Solutions has been in business for 3 years and was formerly located within the City of Gainesville. The firm currently employs 14 full time employees and it is anticipated that a staffing level of 35 full time employees will occur by the end of calendar year 2005. Line employees currently are compensated at approximately the average wage per job level for Alachua County that is roughly between \$25,000 - \$30,000 dollars. Management and professional employees are compensated at a level above the average wage per job for Alachua County.*

*The project will involve construction of a 34,000 square foot facility comprised of 30,000 square feet of manufacturing space with 25 foot ceilings, overhead cranes with the ability to expand to 80,000 square feet. The remaining 4,000 square feet of office and showroom space will be expandable to 10,000 square feet if the need arises. The reported preliminary cost associated with building construction is \$1.5 million dollars. In addition, the purchaser indicates that machinery and equipment existing and planned for purchase should exceed \$1.0 million dollars by calendar year 2006.*

*It is anticipated that this prospective purchase will result in further development of the Airport Industrial Park; provision of job opportunities for residents of East Gainesville; and, is consistent with the City Commission's stated Strategic/Action Plan for Economic Development goals including: 1) providing for consistent job growth; 2) diversifying the economic base; 3) expanding the taxable property base; and, 4) raising standards of living through economic development activities.*

*Fiscal Note: Per FAA regulations incorporated into a prior agreement executed between the City of Gainesville and the Gainesville Regional Airport, the proceeds of the sale are transferred to the Airport. Typically land purchased through FAA funds is required to be sold at fair market value with the proceeds returned back to the Airport. At an offered purchase price of \$100,000 for five acres or \$20,000 per acre, the purchaser is seeking a discount in the land price. The assessed price of the subject lot is \$100,000 according to Alachua County Property Appraiser records. However, the market value of the property is probably within the \$30,000 - \$35,000 per acre range. A brief analysis indicates that based upon an improvement value of \$1.5 million dollars, the City can expect to receive approximately \$6,300 in property tax annually in the initial years of operation. In addition, based upon a calculation of tangible tax associated with reported machinery and equipment, the City can expect to receive an additional \$5,000 in tangible tax annually in the initial years of operation. This results in approximately \$11,000 - \$13,000 in annual return over a ten-year period.*

*This totals approximately \$123,500 over ten years and is conservative due to the fact that it does not take into consideration future anticipated expansion. Because 50% of the ad valorem taxes related to the market differentials are paid to the Gainesville Regional Airport by the agreement referenced above to reimburse the market differential, the City can expect an approximate payback of the discount over ten years in the amount of approximately \$61,750 or 50% of the ten year total.*

**RECOMMENDATION**

*The City Commission approve the attached contract for the purchase of Lot 3 in the Airport Industrial Park and authorize the Mayor and Clerk of the Commission to execute the closing documents, subject to the approval of the City Attorney as to form and legality.*

## **GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**040763**

**Agreement for Telecommunications Consulting Services - HIKE & Co., Inc (NB)**

*Explanation: HIKE & Company has been GRUCom's primary telecommunications consultant since 1995 and has been involved in almost all development activities. The Consultant has assisted GRUCom through the successful start-up phase of the Competitive Access Provider and Internet Service Provider businesses. Of particular importance, the Consultant has been instrumental in developing business relationships with other carriers and key customers with whom they*



*have strategic business relationships. The interface the consultant provides between GRUCom and its key customers enables GRUCom to respond effectively to the many issues it faces in the competitive telecommunications industry. These relationships have aided GRUCom's expansion and sales growth, and are invaluable.*

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

*The current contract with the Consultant expired on September 30, 2004. The amendment will extend the contract, based on the same terms and conditions, for an additional twelve months, through September 30, 2005.*

*Fiscal Note: Funds for these services are available in the approved GRUCom Capital and Operating budgets for FY 2005.*

**RECOMMENDATION**

*The City Commission 1) Authorize the General Manager or his designee to negotiate and execute a contract amendment with HIKE & Company, as a specified source, for telecommunications consulting services on an as needed basis for a twelve-month term ending September 30, 2005, subject to the approval of the City Attorney as to form and legality; and 2) Approve the issuance of purchase orders in amounts not exceeding \$75,000 for these services.*

**040764**

**Settlement of Insurance Claims for MGP Clean-Up USF&G and St. Paul (NB)**

*Explanation: Through the good work of outside insurance counsel (Eisenstein Malanchuk, LLP) utility staff located a number of insurance policies which provided coverage to Gainesville Gas Company which we believe may be used as the basis to recover environmental clean-up costs associated with the manufactured gas plant (MGP) site. Discussions toward resolution of the City's claims against USF&G and St. Paul have been conducted by the Utilities Attorney and insurance counsel over the last 6 months, culminating in an agreement in principle for settlement. Pursuant to the agreement the City is expected to receive net recovery of approximately \$300,000 after payment of legal fees and expenses, in exchange for a complete release of USF&G and St. Paul from further claims. The General Manager, City Attorney, Utilities Attorney and outside counsel all concur as to the appropriateness of the settlement.*

*Fiscal Note: Net funds from the settlement will be applied to MGP site clean-up expenses.*

**RECOMMENDATION**

*The City Commission authorize the General Manager to execute such documents as are approved by the City Attorney as to form and legality to implement the settlement of any and all claims the City may have against United States Fidelity and Guaranty Company (USF&G) and St. Paul Marine Insurance Company (St. Paul) arising out of the former manufactured gas plant.*

**040765**

**Purchase Order - Platts POWERdat and COALdat (NB)**

*Explanation: Platts will provide COALdat and POWERdat software service to GRU. This data base service allows us to obtain nationwide information to benchmark fuel and load characteristics with other utilities. They also provide call-in analysis hours, unlimited access to Resource Data International online for designated sites, unlimited technical support, and one-day training for each product.*

*This is an annual fee from September 1, 2004 through August 31, 2005. GRU has purchased this software service for the last 5 years and found it to be extremely useful, especially during contract negotiations.*

*Fiscal Note: The cost will be divided between the Strategic Planning Department and the Energy Supply Department and the funds have been budgeted in FY 2005 for this expense.*

**RECOMMENDATION**

*The City Commission approve the issuance of a purchase order to Platts which provides GRU with POWERdat and COALdat software services in an amount not to exceed \$40,000*

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**040760**

**FCHR CHARGE NO. 200500392 DENEACE JOSHUA VS. THE CITY OF GAINESVILLE (B)**

*Explanation: On November 29, 2004, the City of Gainesville received a Notice of Filing of Complaint of Discrimination from the Florida Commission on Human Relations. Ms. Deneace Joshua alleges discrimination based on gender, race and retaliation after not receiving a salary increase when the pay study review was completed for 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 Deneace Joshua vs. the City of Gainesville; FCHR Charge No.: 200500392.*

**040752 CITY AUDITOR EMPLOYMENT CONTRACT (B)**

*Explanation: At its meeting of November 8, 2004, the City Commission appointed Mr. Brent Godshalk as the City Auditor and authorized Mayor Hanrahan to negotiate an employment agreement to present to the City Commission for its approval.*

*The attached Employment Agreement is similar to the agreement utilized for the Equal Opportunity Director, modified to reflect the fact that Mr. Godshalk is presently a member of the City of Gainesville Employees Pension Plan. The proposed annual salary of \$95,000 reflects a 10.5% increase over Mr. Godshalk's current salary.*

**RECOMMENDATION**

*The City Commission (1) approve the employment of Mr. Brent Godshalk as City Auditor 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.*

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****040747 City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of November 15, 2004 (Special Meeting); November 22, 2004 (Regular Meeting); and December 6, 2004 (Special Meeting); as circulated.*

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC SAFETY COMMITTEE, CONSENT****040620 LECFTF Funding for Santa Fe Community College (SFCC) and COPS Minority Scholarships (NB)**

*Explanation: A mainstay of GPD's crime prevention strategy, within the context of Community Oriented Policing, is the provision of minority scholarships for at-risk residents, as well as Police Explorers and Police Cadets. As a complement to our numerous outreach programs, personnel of GPD seek to identify academically disadvantaged minority youth at the elementary and secondary school level for enrollment within established tutorial programs and older residents for possible selection for college scholarships, which have been earmarked for this purpose.*

*Once selected, the Cadet level individuals, are offered scholarships under the conditions that while enrolled in college, they will:*

- 1) Participate in youth crime prevention programs, assisting GPD officers in role-modeling behavior, establishment of youth Neighborhood Crime Watch programs, and other police-sponsored activities.*
- 2) Serve as an intern in various components of the Gainesville Police Department and other areas of the Criminal Justice system.*
- 3) Work part-time with the Gainesville Police Department Police Explorers, and serve as mentors.*

*Through the Cadet/Minority Scholarship program, the Gainesville Police Department has better opportunities for recruiting minority applicants to become Police Service Technicians or Police Officers, and to assist in providing continuing education to and role models for at-risk residents.*

*The City has provided \$150,000 to this endowment that was started in 1993. The endowment provides for matching funds under the direction of the SFCC Minority Board for future, continuous scholarships.*

*Fiscal Note: Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and are allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The balance in this account is \$2,177,347.90. The balance is adjusted to account for pending items.*

**RECOMMENDATION**

*The City Commission approve the appropriation and expenditure of \$50,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund to the Santa Fe Community College Endowment Board of Alachua County for the endowment of a minority scholarship program for at-risk residents.*

**Legislative History**

11/17/04	Public Safety Committee	Discussed
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**040671**

**Data Sharing Consortium Partnership (B)**

*Explanation: The Gainesville Police Department is actively seeking ways to improve the access to much needed criminal investigation and intelligence information. The University of Central Florida provides a method to access and share information on a region-wide basis through a Data Sharing Consortium. The Data Sharing Consortium is a collaborative, non-profit partnership between state university research personnel and participating law enforcement agencies. The overall mission of this effort is to share information and resources to improve public safety performance. The partnership agreement is for a three year commitment at a fee of \$7500 annually for law enforcement agencies which have over 250 sworn members. It is anticipated that the police department's first year of membership will be from January 3, 2005 to*



8/5/04	Community Development Committee	Approved as Recommended
9/13/04	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
9/20/04	Community Development Committee	Continued
10/7/04	Community Development Committee	Approved as Recommended
11/4/04	Community Development Committee	Approved as Recommended

**040301****Voucher Program for Housing (NB)**

*Explanation: The City Commission referred this item to the Community Development Committee on August 9, 2004. The Community Development Committee continued this item twice due to full agendas, and discussed the item on November 15, 2004. Kevin Clane had raised the issue during citizen comment originally, and attended the November 15, 2004 Community Development Committee to present his questions and interests on the topic.*

*Mr. Clane recommended that the City move to a voucher program for affordable housing in order to allow recipients the flexibility to choose their housing location. Housing Division representatives attended and explained that SHIP down payment assistance for first time homebuyers, mortgage foreclosure intervention and other programs allow flexibility as to where the houses are for the recipients receiving assistance; those programs are based on client need and allow choice as to housing location. The Down Payment Assistance program allows the homebuyer to purchase a home located anywhere in the City as long as income and purchase limits are met. Also, under the Mortgage Foreclosure Intervention program, assistance can be provided to residents of any neighborhood in the City that meet program requirements and income limits.*

*However, the Committee discussed that some State programs such as Florida Housing Finance Corporation's tax credit program are geared toward developments with a low-income mix rather than a priority of a broad mix of incomes, and that the City may wish to take a position on such State programs.*

*Fiscal Note: None*

**RECOMMENDATION**

*Community Development Committee to the City Commission: 1) The City continue providing financial support for housing choice through down payment assistance and other programs; 2) the City include in the State agenda a statement that concerns State programs, if there is a State program that has a real problem as far as income mix priorities; and 3) remove this item from the referral list.*

Legislative History

8/9/04	City Commission	Referred (5 - 0 - 2 Absent)	Community Development Committee
9/20/04	Community Development Committee	Continued	
10/7/04	Community Development Committee	Continued	
11/15/04	Community Development Committee	Approved as Recommended	

**REGIONAL UTILITIES COMMITTEE, CONSENT****030263****Third-Tier Residential Water Rate (NB)**

*Explanation: On January 22, 2001 the City Commission referred this item to the Regional Utilities Committee for additional review on applying rates year round and the scope of adding additional conservation services. In April 2002, September 2003 and November 2004, staff presented information on the history of water rates, usage patterns by residential customers, and impacts to water usage that may have resulted from the tiered rate structure. Using its residential water sales forecast model, staff estimated that residential water sales may have been as much as 11% higher under a two tier rates structure rather than the current three tier rate structure since its implementation. In October 2004, the seasonal period of the rate structure was expanded to be in effect year round. The RUC agreed to recommend to the City Commission that this item be removed from the referral list.*

RECOMMENDATION

*The City Commission remove item #030263 from the Regional Utilities Committee referral list.*

Legislative History

5/13/02	City Commission	Referred	Regional Utilities Committee
8/21/03	Regional Utilities Committee	Heard	
11/18/04	Regional Utilities Committee	Approved as Recommended	

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION****CITY MANAGER****040787 ARTSREACH Exhibits (NB)**

*Explanation:* The Art in City Hall two person exhibition features: "Looking for the Middle of Nowhere," photographs by Sean M. Dowie and "Away From the Things of Man," drawings by Michael Everett. The show runs through February 4, 2005.

The Art in the Alachua County Administration Building two-person exhibition features: "These are My Images," photography by Bonnie Cooper, "Still Life in Oils" by Emelyn Palm and "Impressions," felt hangings by Vasanto. The show runs through February 4, 2005.

The Art in the Airport two-person exhibition features: "Embrace: The Mexico Series," digital prints by Maria Rogal and "Swimming Upstream," paintings by Amy Vigilante. The show runs through February 4, 2005.

*Fiscal Note:* Expenses for these exhibitions are funded from the sponsors and the Department of Cultural Affairs' fund account.

**RECOMMENDATION**

The City Commission hear a brief presentation by Donna Born Drake, ARTSREACH Coordinator for the Department of Cultural Affairs.

**040788 Florida Building Code Update (NB)**

*Explanation:* The Florida Building Code has gone through a code update process over the past year and a new edition will become law in 2005. The City's Building Official will provide an update and explain the process and implementation of the new edition.

*Fiscal Note:* As with any code change, there comes with it the possibility of a fiscal impact on the construction industry. New products and new requirements could go either way; however, based on the Building Official's experience in the code change process, it is anticipated that there will be an increase in the cost to the industry.

**RECOMMENDATION**

The City Commission hear the report from the Building Official Doug Murdock on the new edition of the Florida Building Code and the implementation date.

**040789 Modification to Proposed/Adopted Urban Reserve Area (NB)**

*Explanation:* The City of Gainesville Urban Reserve area was initially adopted by the



*Alachua County Commission on August 15, 1991 and became effective on October 15, 1991. The area was later updated and again adopted on October 14, 1996. Under the Alachua County Boundary Adjustment Act, Urban Reserve Areas define where a municipality is allowed to annex, and must meet the following criteria:*

- (a) Be adjacent to the municipality.*
- (b) Be urban in character, or likely to become urban in character within the next 10 years.*
- (c) Be areas in which population growth should be directed so as to promote efficient delivery of urban services, including police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks and recreation, housing, street lighting, transportation and other services, and to encourage more concentrated urban development.*
- (d) Shall not contain areas outside the county in which the municipality lies, contain areas within the corporate limits of another municipality, or contain areas within another municipality's reserve area.*
- (e) Shall not contain areas which could be provided with urban services more efficiently by the county or other municipality.*
- (f) Shall not contain areas which cannot reasonably be foreseen to be provided with the urban services provided by the municipality within the next 10 years*
- (g) Shall not contain areas which the municipality cannot reasonably have the capacity or capital facilities within the next 10 years to provide, at a minimum, the level of services provided by the county to the reserve areas.*

*Under the Boundary Adjustment Act, "urban in character" is defined as an area used for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes, or an area undergoing development for any of these purposes including any parcels of land retained in their natural state or kept free of development as greenbelt areas.*

*Currently, there are areas outside of Gainesville's Urban Reserve Area that would be considered conservation, and/or environmentally significant. Including some of these parcels in the Urban Reserve Area for Gainesville would further assist in creating an "emerald necklace" around the future incorporated limits of the City. Several citizens noted this concept as very desirable at the Town Hall meeting held on November 30, 2004 as part of the County-wide Visioning and Planning Process.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) hear a brief presentation from staff on possible further modifications to the proposed Urban Reserve Area; 2) discuss the concept of requesting modification to the Urban Reserve Area to include an "emerald necklace"; and, 3) if determined, authorize the Interim City Manager to submit to Alachua County notification of the City's desired changes to the Gainesville Urban Reserve Area.*

**GENERAL MANAGER FOR UTILITIES****CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****040751                    Implementing Reasonable Accommodations for Individuals with Hearing Impairments (B)**

*Explanation:* On June 14, 2004, City of Gainesville Equal Opportunity Director Jimmie Williams gave a presentation on Implementing Reasonable Accommodations for Individuals with Hearing Impairments. Citizen Gabe Kaimowitz spoke to the matter. The e-mail that Mr. Kaimowitz sent to the City Commission was referred to the Citizens Disability Advisory committee (CDAC) for their review and recommendations.

**RECOMMENDATION**

The City Commission 1) hear a report from CDAC chair, Mark Mayfield; 2) remove this item from the referral list.

**COMMITTEE REPORTS (PULLED FROM CONSENT)****COMMUNITY DEVELOPMENT COMMITTEE****040411                    North Point at Ironwood - Neighborhood Housing & Development Corporation (B)**

*Explanation:* This item was referred to the Community Development Committee so that the Committee could review, discuss and make recommendations on staff's proposed adjustments to the criteria for funding of any housing developments by nonprofits for the 2005 block grant allocation cycle. The Community Development Committee discussed this item several times, and on November 15, 2004, concluded that preferences should be stated at the outset, in the funding cycle beginning in February 2005, as follows, in order to promote dispersal of affordable housing outside the CDBG target areas or other eligible areas and in order to propose a mix of incomes for new housing developments with target areas or other eligible areas. Priority shall be given to funding new construction of units if:

1. Such units shall be located outside of current City of Gainesville CDBG and HOME target areas or other areas that meet the criteria for target area designation, but within the City limits.
2. Such units shall be included in a mixed-income development in which the

*number of units designated for very low- and low-income persons or families may not exceed 25% of the total units in the proposed development. The proposed development could be located anywhere within the Gainesville city limits, including within CDBG and HOME target areas.*

*Fiscal Note: The annual allocation cycle provides CDBG and HOME funds to subrecipients on a competitive basis, and final decisions are made by the City Commission each July.*

**RECOMMENDATION**

*Community Development Committee to the City Commission: 1) adopt the block grant allocation cycle criteria, in the first year allowing for 100% affordable units outside of target areas and 25% within the target areas; and 2) remove this item from the referral list.*

**Legislative History**

9/13/04	City Commission	Referred (6 - 0 - 1 Absent)	Community Development Committee
9/13/04	City Commission	Referred	City Manager
10/7/04	Community Development Committee	Approved as Recommended	
10/11/04	City Commission	Continued	
11/4/04	Community Development Committee	Continued	
11/8/04	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
11/15/04	Community Development Committee	Approved as Recommended	

**031180**

**Design Review Recommendations (B)**

*Explanation: On April 26, 2004, the City Commission made a referral to the Community Development Committee to develop a recommendation for the City regarding adopting advisory guidelines for paint colors for buildings in the City. The Community Development Committee discussed the item on June 24th, August 5th, and November 4th, 2004. These guidelines would be advisory only and not regulatory.*

*At its last discussion, on November 4, 2004, the Community Development Committee concluded that the best approach is to use the Munsell color system, which is a commercially available set of colors arranged by "value," "chroma" and "hue" for each color tone. The Munsell color system is available in a book with color chips showing these ranges for each color. The book could be made available at the Building Inspections counter, along with a statement and information about the range of colors the City recommends. The intent is to encourage, without using requirements or regulations, softer colors and not extremely bright colors and combinations on exterior walls and major trim elements. Contractors receiving building and renovation permits would have access to this information and could bring paint chips to compare to the recommended Munsell color ranges if they desire to do so.*

*Fiscal Note: There would be no cost to the City beyond the purchase of the Munsell book and periodically purchasing a replacement book, probably every few years. Staff at the Building Inspections counter would be available to explain that the color recommendations are advisory (made available just as information and recommendation to the public).*

**RECOMMENDATION**

*Community Development to the City Commission: 1) hear a report from staff regarding advisory color recommendations covering exterior walls, major trim elements and major sign elements; 2) direct staff to supplement the advisory recommendations with a book of illustrations (photographs of examples) of recommended do's and don'ts as to color combinations; 3) direct staff to include encouragement of earth tones in addition to Munsell ranges of six or lower on value and chroma; and 4) remove this item from the referral list.*

**Legislative History**

4/26/04	City Commission	Approved, as shown above (6 - 0 - 1 Absent)
4/26/04	City Commission	Referred Community Development Committee
6/24/04	Community Development Committee	Approved as Recommended
8/5/04	Community Development Committee	Approved as Recommended
11/4/04	Community Development Committee	Approved as Recommended

**ECONOMIC DEVELOPMENT/UNIVERSITY COMMITTEE****040794****Economic Development/University Committee (NB)****RECOMMENDATION**

*The City Commission hear a report from the Economic Development/University committee.*

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****CITIZEN COMMENT**

**COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS**

*Junior Girl Scout Troop #613  
Tina Certain, Troop Leader*

**040762 Quality Cleaners Business Appreciation Day - December 13, 2004 (B)**

**RECOMMENDATION**      *Quality Cleaners Owner Gregg Johnson to accept the proclamation.*

**040715 Presentation of Executive Fire Officer Certificate to Kim Berryman-Dages, District Chief (NB)**

*Explanation: In recognition of successful completion of the requisite courses of study and the applied research projects, the United States Fire Administration's National Fire Academy has conferred the title of Executive Fire Officer (EFO) upon Kim Berryman-Dages as of October 1, 2004.*

*The Executive Fire Officer Program (EFOP) is an initiative of the U.S. Fire Administration designed to provide senior fire officers and others in key leadership roles with an education to: 1) transform fire and emergency services organizations from reactive to proactive; emphasize leadership development, prevention, and risk reduction; 2) lead fire and emergency services organizations in reflecting and developing the diversity of America's communities; 3) value research and increase its application to the profession; and 4) develop the habit of lifelong learning.*

*The program is a diverse executive-level curriculum entailing one course per year for four years. The program requires a commitment to complete four applied research projects, the post-course activity for each course. Each EFOP course and Applied Research Project (ARP) has been recommended by the American Council of Education to receive college level credit and include: Executive Development, Leading Community Risk Reduction, Executive Analysis of Fire Service Operations in Emergency Management, and Executive Leadership.*

*The concluding course is specifically designed to provide a framework for executive level competencies by focusing primarily on personal effectiveness. The curriculum includes self and observer-based survey assessment instruments, case study analysis, role-playing, and experiential activities. Participants complete a "self assessment and development plan" to create desirable goals in their professional, personal, community, and family life areas.*

*District Chief Berryman-Dages joins four current GFR EFOP graduates: Fire Chief Richard Williams, Deputy Chief William Northcutt, District Chief Don King, and Training Chief Gene Prince. District Chiefs Tim Hayes and JoAnne Rice, as well as Lieutenant Pat Lewis, are currently enrolled.*

*The EFOP is succeeding in its mission of transforming the quality of service to our community. The Program has a very selective admission process and difficult to successfully complete. Approximately 170 Florida Executive Fire Officers have completed the program since 1988. In honoring District Chief Berryman-Dages, staff recognizes that Gainesville's success continues to rely on the dedication of its employees and their development into forward-focused leaders for the community.*

**RECOMMENDATION**      *The Mayor and the Fire Chief present the EFO certificate to Kim Berryman-Dages.*

## **PUBLIC HEARINGS**

## **ADOPTION READING**

**040515**

### **LAND USE CHANGE - 635-637 N.W. 13TH STREET (B)**

#### **Ordinance No. 0-05-01, Petition 163LUC-04PB**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Commercial" to "Mixed-Use Low-Intensity (8-30 units per acre)"; located in the vicinity of 635-637 N.W. 13th Street; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: STAFF REPORT*

*The subject property is 0.36 acres in size, has a BA (Business-Automotive) zoning, and a C (Commercial) land use designation.*

*Adjacent property to the west and north is zoned MU-1 (Mixed Use-Low). The land use is MUL (Mixed-Use Low, 8-30 units per acre). Adjacent to the east is BUS (Business) and to the south is BA (Business Automotive). The land use of this property to the east and south is Commercial.*

*The existing building is currently being used as an auto service shop (brakes, AC, and oil changes). The petitioner owns the property and wishes to move a florist business he owns to this property. Florist retailers are not allowed by the current land use and zoning designations.*

*As a designated Gateway Street a few blocks north of the UF campus, this property is better suited in achieving City objectives by carrying a land use designation that allows more neighborhood-based, walkable retail*

*development-particularly mixed-use development that would allow both residential and non-residential. Auto-oriented uses allowed by the current land use and zoning designations are not ideal along a Gateway Street near the campus. For a number of years, the City has sought to restrict auto-oriented sales and service to North Main Street.*

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

*Public notice was published in the Gainesville Sun on October 5, 2004. Letters were mailed to surrounding property owners on October 6, 2004. The Plan Board held a public hearing October 21, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 163LUC-04 PB. Plan Board vote 5-0.*

#### *CITY ATTORNEY MEMORANDUM*

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

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

**RECOMMENDATION**      *The City Commission: 1) approve Petition No. 163LUC-04PB and, 2) adopt the proposed ordinance.*

## **ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

**040516**

**REZONING - 635-637 N.W. 13th Street (B)**

**Ordinance No. 0-05-02, Petition No. 164ZON-04PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from the zoning category of "BA: Automotive-oriented business district" to "MU-1: 10-30 units/acre mixed use low intensity"; located in the vicinity of 635-637 N.W. 13th Street; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*The subject property is 0.36 acres in size, has a BA (Business-Automotive) zoning, and a C (Commercial) land use designation.*

*Adjacent property to the west and north is zoned MU-1 (Mixed Use-Low). The land use is MUL (Mixed-Use Low, 8-30 units per acre). Adjacent to the east is BUS (Business) and to the south is BA (Business Automotive). The land use of this property to the east and south is Commercial.*

*The existing building is currently being used as an auto service shop (brakes, AC, and oil changes). The petitioner owns the property and wishes to move a florist business he owns to this property. Florist retailers are not allowed by the current land use and zoning designations.*

*As a designated Gateway Street a few blocks north of the UF campus, this property is better suited in achieving City objectives by carrying a land use and zoning designation that allows more neighborhood-based, walkable retail development-particularly mixed-use development that would allow both residential and non-residential. Auto-oriented uses allowed by the current land use and zoning designations are not ideal along a Gateway Street near the campus. For a number of years, the City has sought to restrict auto-oriented sales and service to North Main Street.*

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

*Public notice was published in the Gainesville Sun on October 5, 2004. Letters were mailed to surrounding property owners on October 6, 2004. The Plan Board held a public hearing October 21, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 164ZON-04 PB. Plan Board vote 5-0.*

**RECOMMENDATION**

*The City Commission: 1) approve petition 164ZON-04PB; and 2) adopt the proposed ordinance.*

**040517**

**REZONING - UNIVERSITY HEIGHTS SOUTH (B)**

**Ordinance No. 0-05-03, Petition No. 165ZON-04PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties from the zoning category of "RH-1: 8-43 units/acre residential high density district" to "RH-2: 8-100 units/acre residential high density district"; located in the vicinity of University Heights (South), east of S.W. 11th Street, south of S.W. 8th Avenue, west of S.W. 6th Street and north of Depot Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*The subject properties are 31 in number and have a combined size of 13 acres. Each of the 31 properties has an RH-1 (residential high-density district, 8-43*



*dwelling units per acre) zoning, and an RH (residential high density, 8 to 100 dwelling units per acre) land use designation.*

*Most of the properties bordering to the west, north and south are designated RH-2. These properties are in close proximity to the University of Florida campus to the west and the central city (downtown) district to the east.*

*In this location, higher density could result in:*

- \* Increased transportation choice.*
- \* Reduced number of regional and per capita car trips when compared to an alternative future in which these new residents were dispersed into more remote locations.*
- \* Increased likelihood of the establishment of neighborhood-based, walkable retail such as corner grocery stores.*
- \* A lower-than-average number of cars owned per household.*
- \* Reduced crime problems through gentrification and citizen surveillance ("eyes on the street").*
- \* Increased neighborhood property values.*

*Besides the RH-2 properties, adjacent property to the north is zoned RH-1 with a land use of RH. To the east, besides RH-2, there is property with PS (Public Service) zoning and Recreation land use. Zoning adjacent to the south, besides RH-2, there is property with ED (education) zoning and land use.*

*It is important to note that a 5-story height limit was recently enacted in the RH-1 & 2 districts. Previously, there was no height limit for these districts.*

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

*Public notice was published in the Gainesville Sun on October 5, 2004. Letters were mailed to surrounding property owners on October 6, 2004. The Plan Board held a public hearing October 21, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 163LUC-04 PB. Plan Board vote 5-0.*

**RECOMMENDATION**      *The City Commission: 1) approve Petition 165ZON-04 PB; and 2) adopt the proposed ordinance.*

**040518**

**REZONING - COFRIN PROPERTY (B)**

**Ordinance No. 0-05-04, Petition No. 166ZON-04PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property from the zoning category of "RSF-1: 3.5 units/acre single-family residential district" to "CON: Conservation district" and "PS: Public services and operations district"; allowing development of a nature and activity-based recreation park without the approval of a preliminary development plan; located in the vicinity of the north side of Northwest 8th Avenue, east of Northwest 49th Drive**

**commonly known as the "Cofrin" property; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*The subject property is approximately 30 acres in size, is undeveloped except for a single-family house, has an RSF-1 (3.5 dwelling units per acre single-family residential) zoning, and an SF (Single-Family) land use designation.*

*Adjacent property to the west is zoned PD (Planned Development). The land use of this property is SF. Adjacent property to the north is RSF-1. The land use of this property is SF. Adjacent to the east is RSF-1. The land use of this property is SF. Zoning to the south across NW 8th Avenue is CP (Corporate Park), and the land use of this property is MU-M (Mixed-Use Medium).*

*These properties were purchased in December 2003 with the assistance of a grant from Florida Communities Trust (FCT). FCT is a state land acquisition agency that assists local governments in acquiring land to implement goals, objectives and policies of conservation, recreation and open space, or for natural resources conservation, using Florida Forever Revenue Bonds. Funds also came from Alachua County Forever, a program approved by the voters to acquire, improve and manage environmentally significant lands in Alachua County, and to protect water resources, wildlife habitats and natural areas suitable for resource based recreation. In addition, funding came from the City of Gainesville, and a charitable donation came from Gladys G. Cofrin. This re-zoning is being sought to allow the City to comply with the FCT obligations associated with obtaining acquisition grant money. Among other things, these obligations require the benefiting community to designate and thereby protect the acquired property and to manage the project site only for the conservation, protection and enhancement of natural resources and for public outdoor recreation that is compatible with the conservation, protection and enhancement of the site.*

*Designation of these properties as PS (public service: 7.7 acres of the 30 acres) and CON (conservation: 22.3 acres of the 30 acres) zoning will allow the City to develop these properties as both a nature park and an activity-based recreation park. The Nature Operations Division of the City Recreation and Parks Department will be managing the park and staff will soon be preparing site plans for this property to develop the 30 acres in this manner.*

*The Plan Board heard the petition and recommended that it be approved. After hearing oral comments from staff about Nature Operations Division plans for the property, the Plan Board exercised its discretion, as provided for in Sec. 30-75(7)(b), not to require a preliminary plan be submitted to the City Commission before the property is rezoned.*

*Public notice was published in the Gainesville Sun on October 5, 2004. Letters were mailed to surrounding property owners on October 6, 2004. The Plan Board held a public hearing October 21, 2004. Planning Division staff*

*recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 166ZON-04 PB. Plan Board vote 5-0.*

**RECOMMENDATION**

*The City Commission: 1) approve Petition 166ZON-04 PB; and 2) adopt the proposed ordinance.*

**040669**

**SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES - PARKING GARAGE (B)**

**Ordinance No. 0-05-06**

**An ordinance of the City of Gainesville, Florida, amending section 4-4(b) of the City of Gainesville Code of Ordinances, relating to the consumption, sale or possession of alcoholic beverages; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At its meeting of November 8, 2004, the City Commission determined it may be appropriate to lease retail space in the Southwest Downtown Parking Garage, under certain conditions, to an establishment serving alcohol. At that meeting, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the Code of Ordinances to allow for such provision.*

*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, January 10, 2005.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

11/8/04 City Commission Approved as Amended (6 - 0 - 1 Absent)

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

**040280**

**ANNEXATION - VICINITY GENERALLY SOUTH OF SOUTHWEST 20TH AVENUE AND WEST OF I-75 (B)**

**Ordinance No. 0-04-75**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, 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 generally south of SW 20th Avenue, west of the City limits, north of the City limits and Tax Parcels 06679-000-000 and 06679-003-000, and east of SW 20th Avenue; 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 Interim 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, August 9, 2004, 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 August 23, 2004 and September 13, 2004, the City Commission held advertised public hearings and adopted the 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 Interim City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be December 13, 2004. 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**

8/9/04	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
8/23/04	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
9/13/04	City Commission	Adopted on Final Reading (Ordinance) (6 - 0 - 1 Absent)
11/22/04	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

**040705**

#### **ANNEXATION - VICINITY OF NORTH OF SW 16TH AVENUE AND WEST OF SW 34TH STREET (B)**

##### **Ordinance No. 0-04-102**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, 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 located generally south of Tax Parcel 06715-000-000 and the City limits, west of the City limits and Tax Parcel 06698-000-000, north of Tax Parcel 06714-000-000 and the vicinity of the City limits, and east of Tax Parcel 06715-000-000 and the vicinity of Tax Parcel 06724-000-000; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; 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, August 9, 2004, 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 August 23, 2004 and September 13, 2004, the City Commission held advertised public hearings and adopted the 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 Interim City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be December 13, 2004. 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**

11/22/04    City Commission    Adopted on First Reading (Ordinance) (4 - 0 - 3 Absent)

**040706**

#### **ANNEXATION - VICINITY OF SOUTHWEST CORNER OF NW 39TH AVENUE AND NW 43RD STREET (B)**

##### **Ordinance No. 0-04-101**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, 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 located generally south**

of State Road 222 (NW 39th Avenue), west of the City limits and NW 43rd Street, north of Tax Parcels 06111-206-000, 06111-207-000, and 06111-003-004, and east of the vicinity of NW 45th Street; 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 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, August 9, 2004, 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 owners of the property that is the subject of this annexation. On August 23, 2004 and September 13, 2004, the City Commission held advertised public hearings and adopted the 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 Interim City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be December 13, 2004. 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**

11/22/04    City Commission    Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

**030785**

#### **DISTRIBUTION OF HANDBILLS (B)**

##### **Ordinance No. 0-03-92**

**An ordinance of the City of Gainesville, Florida, creating Article VI, of Chapter 19 of the City of Gainesville Code of Ordinances, establishing requirements related to the "Distribution of Handbills"; providing for the intent and purpose of the regulations; providing for definitions; providing for the scope of the program; prohibiting distribution where an occupant has posted a "No Handbills" sign; providing exceptions for consent, parcel carriers, postal carriers, and qualified newspapers; providing for**

**enforcement by civil citation and a penalty for violation of this Ordinance; providing for enforcement by municipal ordinance prosecution following two civil citation convictions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: In recent years, the City has received complaints from citizens and apartment managers regarding the unwanted delivery of advertisements, handbills and circulars to their homes, in their neighborhoods and in apartment complexes. In response, the City Attorney's Office evaluated the City Code of Ordinances and determined there is no provision in the current Code that gives the City the authority to act on these complaints where advertisements are thrown in yards or placed at the doorways of residences, unwanted and unsolicited.*

*The City Commission referred this item to the Public Safety Committee on January 12, 2004 for review and recommendation. The Public Safety Committee held two public meetings and received input from police, City Attorney staff, businesses and citizens, and referred the matter back to the City Commission. On April 12, 2004, the City Commission considered the issue and authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance, in substantially the same form as submitted by the Public Safety Committee.*

*On June 14, 2004, an ordinance was presented for first reading. At that time, the matter was referred to the Public Safety Committee for reconsideration. The matter was discussed by the Public Safety Committee on July 13, 2004 and again on September 30, 2004 (when input from the Chamber of Commerce was received).*

*The proposed ordinance is amended slightly based on these discussions and provides for the property owner to decide whether they want to receive handbills. If they do not wish to receive handbills, the owner may place a "No Handbill" sign on his or her property. This draft ordinance also provides exception language in the following scenarios:*

- \* Public agency distribution (police/fire/health) flyers distributed in the interest of the public health and safety;*
- \* when the owner or occupant has requested the handbill or provides consent;*
- \* for parcel and U.S. post delivery; and*
- \* for newspapers which are sold to the public.*

*Violations of this ordinance may be enforced by civil citation or by municipal ordinance prosecution. Once a person has two civil citation convictions within a six-month period, subsequent violations shall be prosecuted as provided in section 1-9 of the Code.*

*To allow time for education and implementation, the ordinance would take effect January 1, 2005.*

*This ordinance requires two hearings. The first reading was November 8, 2004. At that time this ordinance was revised to change the term "criminal citation" to "municipal ordinance prosecution." This change is made in the draft ordinance*

attached hereto; however, the new title was not advertised in the Gainesville Sun 10 days prior to the anticipated second reading date due to no fault of the City.

At the November 8, 2004 public hearing some commissioners also expressed concern that the definition of "handbill" is unclear as to whether political and other types of non-commercial speech fall within that definition. Throughout the hearings and meetings on this issue, the testimony and physical evidence indicated that the problems described (litter, public safety concerns, etc.) are related to commercial handbills and flyers. Case law supports the regulation of commercial speech alone when there is evidence to support its regulation, and that the regulation is tailored to address the problems. This approach is used in the City of Tampa and Hillsborough County. For this reason, the definition of the term "handbill" in the draft ordinance in the backup has been amended to apply only to commercial handbills. There will be no regulation of non-commercial speech, such as political and religious pamphlets, unless further need is demonstrated to support its regulation. The ordinance is amended to reflect this change.

Due to the need for re-advertisement of the title of this ordinance, the second and final reading of this ordinance will be December 13, 2004.

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

**Legislative History**

1/12/04	City Commission	Approved as Recommended (7 - 0)	
1/12/04	City Commission	Referred	Public Safety Committee
2/19/04	Public Safety Committee	Discussed	
3/18/04	Public Safety Committee	Discussed	
4/12/04	City Commission	Approved as Recommended (7 - 0)	
6/14/04	City Commission	Referred (4 - 2 - 1 Absent)	Public Safety Committee
6/14/04	City Commission	Referred	Public Safety Committee
7/13/04	Public Safety Committee	Discussed	
9/30/04	Public Safety Committee	Discussed	
10/25/04	City Commission	Approved as Recommended (7 - 0)	
11/8/04	City Commission	Adopted on First Reading, as modified (Ordinance) (6 - 0 - 1 Absent)	
11/22/04	City Commission	Approved as Recommended (4 - 1 - 2 Absent)	

**040372**

**REZONING - VICINITY OF 1708 NORTHWEST 7TH STREET (B)**

**Ordinance No. 0-04-99, Petition No. 147ZON-04PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from the zoning category of "RMF-5: 12 units/acre single-family/multiple-family**



residential district" to "OR: 20 units/acre office residential district"; located in the vicinity of 1708 Northwest 7th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*The subject property is 0.4 acres in size, has an RMF-5 (residential low-density district, 12 dwelling units per acre) zoning, and an RL (residential-low density, up to 12 dwelling units per acre) land use designation.*

*The property is near a major street intersection that is strongly commercial in character, and has no adjacent single-family residential parcels.*

*Adjacent property to the west is zoned RMF-5 and Office (general office district). The land use of these two properties is RL and Office, respectively. Adjacent property to the north is RMF-5. The land use of this property is RL. Adjacent to the east is OR (20 units/acre office residential district). The land use of this property is Office. Zoning adjacent to the south is Office, and the land use of this property is Office.*

*The proposed OR zoning allows the uses shown in the attachment.*

*This re-zoning is being sought to allow for the expansion of an existing accounting office on Northwest 16th Avenue and for additional parking for an architecture office on Northwest 6th Street. The re-zoning would also provide the accounting office and the architecture office with frontage on Northwest 7th Street, but the petitioner claims that they will not establish vehicular access to Northwest 7th Street, should this re-zoning be approved.*

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

*Public notice was published in the Gainesville Sun on September 7, 2004. Letters were mailed to surrounding property owners on September 8, 2004. The Plan Board held a public hearing September 23, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 147ZON-04 PB. Plan Board vote 4-0.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission, authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the City of Gainesville.*

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

#### **Legislative History**

11/22/04      City Commission      Approved (Petition) and Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

040749

**AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTIES - 727 E. UNIVERSITY AVENUE (B)****Ordinance No. 0-05-08**

**An ordinance of the City of Gainesville, Florida, finding that property at 727 E. University Avenue, Gainesville, Florida, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax on certain improvements beginning January 1, 2005, and continuing for 10 years; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the applicant and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At the request of the City Manager, the City Attorney has prepared an ordinance exempting certain historic property from ad valorem taxation for certain improvements as approved by the Historic Preservation Board.*

*This ordinance requires two public hearings and must be adopted prior to the end of this calendar year. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, December 13, 2004.*

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

**Legislative History**

12/9/04      City Commission      Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

**RESOLUTIONS- ROLL CALL REQUIRED**

040761

**GACRAA - AUTHORIZING AND ACCEPTING GRANT OFFER FROM USDOT, FAA (B)**

**A resolution of the City of Gainesville, Florida, authorizing acceptance of a grant offer from Department of Transportation, Federal Aviation Administration, and authorizing execution by the Mayor and Clerk of the Commission on behalf of the City of Gainesville; and providing an immediate effective date.**

*Explanation: The Gainesville-Alachua County Regional Airport Authority has accepted a Grant Offer from the Federal Aviation Administration (FAA) for airport improvements through Hurricane Grant No. 12-0028-E1-2005, as more fully described in the application and Program Narrative, a copy of which is on file in the City Attorney's Office.*

*The Grant Offer provides for funding of repairs to the "Airport Access Road, Hangar Door, and Airline Terminal Roof," which repairs are necessitated by damage attributable to recent hurricanes. The Grant Offer will reimburse 100% of the allowable costs incurred in accomplishing the repairs.*

*For the purpose of receiving Federal Grant funds, the FAA requires that the City of Gainesville and the Gainesville-Alachua County Regional Airport Authority both approve the Grant Offer. The Gainesville-Alachua County Regional Airport Authority approved the Grant Offer on November 18, 2004, and has requested that the City of Gainesville also approve said Grant Offer.*

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

**040791****Resolution for Local Agency Program Agreement for the Glen Springs Road Safety Project (B)**

*Explanation: The City of Gainesville is a Florida Department of Transportation (FDOT) Certified local agency. This allows the City to enter into agreements with FDOT for the City to presently fund and implement projects and receive reimbursement when FDOT funding is scheduled. The City is requesting to enter into an agreement with FDOT for construction of the Glen Springs Road safety improvements. These improvements include but are not limited to the milling and resurfacing of NW 23rd Avenue from NW 13th Street to just east of Hogtown Creek, and includes the installation of landscape medians, and the reconstruction of Glen Springs Road located in the vicinity of the Elks Club for the purpose of implementing curve super-elevation.*

*The Public Works Department has completed the required topographic survey and expects to conclude final design by February 2005, with construction completed by mid-August 2005.*

*Fiscal Note: Funding is currently available from FDOT in the amount of \$850,000 for this construction project.*

**RECOMMENDATION**      *The City Commission adopt the Resolution.*

**PLAN BOARD PETITIONS****040654****Petition 158TCH-04 PB. Amend the maximum and minimum building height requirements for Type 1 building types in the College Park Special Area Plan, when proposed as planned developments (PD) in conjunction with a planned use district (PUD) Land Use Plan change. (Related to Petitions 159SVA-04 PB, 160LUC-04 PB, 161PDV-04 PB and 162ZON-04 PB.) (B)**

*Explanation: This petition requests a text change to the College Park Special Area Plan (College Park SAP). The intent of the Plan is to protect and promote the traditional, walkable character of this neighborhood. Largely, this intent is to be achieved in the proper design and placement of buildings and sidewalks in the neighborhood to create high-quality street spaces that are pleasant, safe and convenient for pedestrians, bicyclists, transit users and motorists.*

*In addition to the preservation and promotion of a neighborhood design that is welcoming (particularly to pedestrians), the Special Area Plan finds it essential*

*that residences, offices, retail and civic uses be compactly laid out so that their proximity makes walking between them convenient - traditional mixed use design.*

*Similarly, the purpose of a planned development (PD) is to provide a method for landowners or developers to submit unique proposals that are not provided for or allowed in the City's zoning districts. Planned development provisions allow unique design characteristics and a mix of residential and non-residential uses that are otherwise not accommodated in the land development regulations.*

*Current language in the College Park Special Area Plan does not provide for an exception to height requirements for Type I buildings. In order to accommodate the intended mixture of uses in an aesthetically appealing fashion, the petitioner is requesting a text change to the College Park Special Area Plan, to allow a Planned Development (PD) to exceed the SAP's limitations for maximum height and maximum number of stories. The proposal is to amend the maximum building height and maximum story requirements for the College Park Special Area Plan, utilizing the PD (Planned Development) in conjunction with a PUD (Planned Use District) Land Use Plan change. In the College Park Special Area Plan, building height is based on a maximum number of stories. For Type I buildings the maximum height is 65 feet, with a maximum of five stories and a first story minimum of 10-feet from floor to ceiling.*

*If approved, the proposed PD, Petition 161PD-04 PB, would exceed the maximum height and maximum number of stories allowed, with a maximum height of 100+ feet and eight stories. The unique and often complex nature of a PD requires specialized review, as established in Section 30-211 of the Land Development Code. Section 30-211 allows a PD, in conjunction with a PUD land use plan change, to set its own dimensional requirements, but the subject is not clearly addressed in the College Park Special Area Plan.*

*Staff recommends a text change to the College Park Special Area Plan to clarify this omission, by allowing a petitioner to request greater building heights and number of stories through the PD rezoning and PUD land use plan change process, so long as the first story, minimum 10-foot floor to ceiling height requirement is retained.*

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

*Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.*

**Fiscal Note:** None

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 158TCH-04 PB. Plan Board vote 6-0*

*Staff to Plan Board - Approve*

040655

**Petition 159SVA-04PB. Quasi-Judicial. Pursuant to Section 30-192(b), City of Gainesville Land Development Code, to vacate, abandon, and close that portion of Northwest 1st Avenue located between Northwest 13th Street (US 441) and Northwest 14th Street and vacate, abandon, but not close that portion of Northwest 2nd Avenue located between Northwest 13th Street (US 441) and Northwest 14th Street. (B)**

*Explanation: The petitioner is proposing the redevelopment of a three-block area in the southeast corner of the College Park Special Area, located between University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street. The three-block area has been assembled for purchase by the petitioner for the purpose of developing a mixed-use project, consisting of commercial, office, place of religious assembly and residential uses, to be known as "University Corners."*

*The petitioner is proposing to vacate, abandon, and close a portion of Northwest 1st Avenue located between Northwest 13th Street (US 441) and Northwest 14th Street. In addition, the request is to vacate and abandon that portion of Northwest 2nd Avenue located between Northwest 13th Street (US 441) and Northwest 14th Street. The proposal is not to physically "close" Northwest 2nd Avenue to through-traffic, however, it is to "one-way" the eastern portion of the street from Northwest 13th Street (US 441). Northwest 2nd Avenue will become a "private" street, open to public ingress and egress.*

*The two streets for which a vacation is requested are minor local streets that are no more than two blocks in length. Northwest 1st Avenue is located very close to University Avenue and because of the amount of traffic generated in the area, this street has always been underutilized and has created dangerous circulation problems for both pedestrians and vehicles trying to enter, exit, or cross Northwest 1st Avenue at Northwest 13th Street (US 441).*

*The City shall retain utility and drainage easements over, under, across, and through the vacated right-of-ways if needed. The exact location of any new easements or a blanket easement for the entire 3-block site shall be determined at the time of site plan approval of the mixed-use development.*

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

*Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 159SVA-04 PB, with conditions. Plan Board vote 6-0*

*Staff to Plan Board - Approve, with conditions.*

040656

**Petition 160LUC-04 PB. Amend the 2000-2010 Gainesville Future Land Use Map from MUL (mixed use low intensity, 8-30 units per acre) and MUR (mixed-use residential, up to 75 units per acre) to PUD (planned use district) for the development located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street. (Related to Petitions 158TCH-04PB, 159SVA-04PB, 161PDV-04PB and 162ZON-04PB.) (B)**

*Explanation: The purpose and intent of this project is to construct a 650,000+ square feet mixed-use development containing a combination of commercial, office, residential and a place of religious assembly on approximately 4.4 acres of land located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street. The project will also consist of both an underground and above-ground parking structure for approximately 1,300 spaces having a maximum square footage of 450,000 square feet. The redevelopment of this property will allow for significant additional residential opportunities, as well as increased commercial and personal services for the existing and future neighborhood residents. This will assist in reducing the dependency on the use of the automobile as a primary mode of transportation in the area, by encouraging transit, bicycle and pedestrian transportation.*

*The redevelopment of the three University Corners blocks will provide commercial (including hotel staff), offices, and other job opportunities. It will add residential density. The PUD requests 400 dwelling units maximum, at 91 dwelling units per acre, and proposes to actually build 346 dwellings at 78 per acre. The petitioner is proposing to rebuild the University United Methodist Church at its present location at the corner of West University and Northwest 14th Street. Although the entire project is being constructed as one, the new church will be built on its own tax parcel, having its own property lines.*

*The proposed land use change is consistent with the City of Gainesville 2000-2010 Comprehensive Land Use Plan. The petitioner will be redeveloping an underdeveloped property at one of the most important intersections in the City near the University of Florida.*

*The petitioner has met with the College Park neighborhood to discuss the project and hear comments and concerns related to the proposed development. It is planning staff's understanding that the petitioner has gained the support from most neighbors.*

*The Plan Board heard the petition in combination with Petition 161PDV-04PB, and after discussion, recommended that the petition be approved with staff conditions, and the following modifications: Page 5, Condition 16, end sentence at "... to top of the building plate." Page 2, last paragraph, 2nd to last sentence: Correct typo "450,00" to "450,000". Page 5, first paragraph, first sentence: Correct typo "650,00" to "650,000." Increase the maximum building height (for the garage from 75 to 80 feet at top of guard rail/wall) and lower some development figures (so no DRI thresholds are exceeded).*

*Public notice was published in the Gainesville Sun on November 2, 2004.*

Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 160LUC-04 PB, with staff conditions and with modifications to staff condition number/s 16 and the addition of conditions 15a and 16a. Plan Board vote 6-0*

*Staff to Plan Board - Approve, with conditions and staff comments.*

**040657**

**Petition 161PDV- 04 PB. Quasi-Judicial. Rezone property from MU-1 (mixed-use low intensity 8-30 du/ac) and RMU (residential mixed-use, up to 75 du/acre) to PD (planned development district) for the development of a mixed-use development located between W University Avenue and NW 3rd Avenue and between NW 13th Street and NW 14th Street. (Related to Petitions, 158TCH-04PB, 159SVA-04PB, 160LUC-04PB and 162ZON-04PB.) (B)**

*Explanation: The purpose and intent of this project is to construct a mixed-use development on a 3-block area in the southeast corner of the College Park Special Area Plan. The site is approximately 4.4 acres, with the mixed-use development (commercial and residential, 400 dwelling units max.) component having a maximum square footage of 650,000 square feet of floor area. The commercial (275,000 square feet) includes such things as storefront retail, eating and drinking establishments, offices and personal services. The residential (375,000 square feet) will consist of apartment condominiums and condominium/hotel units. A place of religious assembly (University United Methodist Church), having a maximum 39,000 square feet of floor area, is to be rebuilt at the intersection of West University and Northwest 14Th Street. In addition, 450,000 square feet maximum underground and above ground structured parking facilities are to be built onsite.*

*In order to achieve the desired intensity and density of development (91 dwelling units per acre including hotel units) being proposed, the building height allowed in the College Park Special Area Plan must be increased from 65 feet (floor to ceiling/top of plate) to 95 feet (top of plate) and 100 feet to peak of roof and the number of stories increased (5 stories to 8 stories).*

*The petitioner has indicated that the proposed development complies with the District's intent to encourage revitalization and redevelopment of the College Park neighborhood. However, the Special Area Plan regulations also require any proposed new convenience-type retail, professional and consumer services maintain the scale, character and integrity of the neighborhood.*

*The petitioner believes that their proposed planned development will accomplish the desired objectives. Their request is for taller structures (8*

stories rather than 5 stories and a 95-foot height rather than 65 feet) within one or more mixed-use buildings. The proposed changes to this property will allow it to be redeveloped as an intensive mixed-use urban infill redevelopment that will provide retail and personal services for the existing and future neighborhood residents, as well as for University of Florida students and staff.

The proposed uses will also require a land use plan change from MUL (mixed-use low intensity, 8-30 units per acre) and MUR (mixed-use residential, up to 75 units per acre) to PUD. This petition is related to Petition 160LUC-04PB.

The Plan Board heard the petition in combination with Petition 160LUC-04PB, and after discussion, recommended that the petition be approved with staff conditions, and the following modifications: Page 3, Zoning, Condition 4; end the sentence at "... to top of plate." Page 3, Zoning, Condition 8; Allow for building slab to encroach into right-of-way underground. This can be accomplished by removing the reference to "or below" in parentheses. Page 4, External Compatibility, Condition 12: Strike Condition 12 in its entirety. Page 5, External Compatibility, Condition 14: The parking structure height is 80' to the top of the wall on top floor of the garage. This can be accomplished by changing "height of 75 feet" to "height of 80 feet" and "only 10 feet higher" to "only 15 feet higher." Page 7, External Transportation Access, Condition 25: Correct "14th Street (US 441)" to "13th Street (US 441)." Page 10, Signage, Condition 39: The petitioner is proposing to strike Condition 39 in its entirety because they are proposing to remove the entrance arch feature from the scope of the project. Staff, however, requests that the condition remain until the petitioner resubmits revised plans and new elevations for ordinance writing.

The existing and proposed conditions, provided, are all based on the PD Layout Plan, PD Plan Report and PD Elevations presently before the Commission.

In addition to the modifications requested above, the petitioner also provided staff and the Board with new, lower development figures so no DRI thresholds will be exceeded). Staff is recommending that a new Condition 23a be added to the list of PD conditions, based on the new numbers provided.

The Board discussed the following topics briefly during their deliberation: building heights (shadows created), sidewalks widths, and traffic directional flows.

Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.

*Fiscal Note: None*

**RECOMMENDATION**

City Plan Board to City Commission - The City Commission approve Petition 161PDV-04 PB, with staff conditions and with modifications to staff condition numbers 4, 8, 14, deleting condition 12,



leaving condition 39 as is and adding condition 23a.  
Plan Board vote 6-0

Staff to Plan Board - The proposed Planned  
Development rezoning with associated PD Plan  
Report, PD Layout Plan and PD Elevations, Petition  
161PDV- 04PB, be approved with staff conditions.

**040658**

**Petition 162ZON-04PB. Quasi-Judicial. Amend a portion of the College Park Special Area Plan Map from Type IV to Type I on property located at 205 NW 14th Street. (Related To: 158TCH-04PB, 159SVA-04PB, 160LUC-04PB and 161PDV-04PB.) (B).**

*Explanation: This is an application to amend a portion of the College Park Special Area Plan Map for an 0.47-acre parcel from Type IV (Civic) to Type I (Shop Fronts, Offices, Apartments or Mixed-Use Buildings with Apartments). As illustrated on the College Park Special Area Plan Map, the subject parcel is located at 205 Northwest 14th Street, between Northwest 2nd and 3rd Avenues, on the east side of Northwest 14th Street. The subject parcel contains a two-story boarding house/dormitory style residential building, which was formerly a place of religious assembly. The zoning and land use designations of the subject property and properties to the north and west are respectively RMU (Up to 75 units/acre, residential mixed use) and MUR (mixed use residential, up to 75 units per acre). The zoning and land use designations to the east (the only abutting property), south and northeast are respectively MU-1 (Mixed Use Low Intensity) and MUL (Mixed Use Low).*

*The existing Type IV (Civic) classification is no longer appropriate for the subject property since the existing building is currently utilized solely as a residential structure. The requested change to Type I (Shop Fronts, Office, Apartments or Mixed-Use Buildings with Apartments) will allow the mixed-use development proposed for the subject property and the remainder of the block located to the east.*

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

*Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 162ZON-04 PB. Plan Board vote 6-0*

*Staff to Plan Board - Approve*

**DEVELOPMENT REVIEW BOARD PETITIONS**

**040792**                      **Petition 170SUB-04DB, Design Plat approval of Northwest Business Park, Twenty lots on 20.7 acres more or less. Located in the vicinity of Northwest 65th Place and Northwest 16th Street. Zoned: I-1 and AGR. (B)**

*Explanation: The Development Review Board considered a request to approve a design plat of Northwest Business Park subdivision at a public hearing held November 10, 2004. By a vote of 5-0, the Development Review Board approved Petition 170SUB-04DB with staff conditions.*

*The petitioner is proposing to develop a 20-lot industrial subdivision on 20.7 acres more or less, located immediately east of the Northwest Industrial Park, in the area of the relatively new Gainesville Target Range. The target range and the subdivision property are both owned by the same person. The parcel in question is split-zoned, consisting of approximately 16.7 acres of limited industrial (I-1) zoned land and approximately 4.0 acres of wetlands that are zoned (AGR) agriculture.*

*Fiscal Note: None*

**RECOMMENDATION**

*Development Review Board to City Commission - The City Commission approve Petition 170SUB-04DB, with staff conditions.*

*Staff to Development Review Board - The Design Plat is approvable with conditions.*

## **SCHEDULED EVENING AGENDA ITEMS**

**040766**                      **Follow-up on Long Term Electrical Supply Plan (NB)**

*Explanation: Gainesville Regional Utilities began a community outreach program to develop a long term electrical energy plan in August of 2003, drawing on studies performed with City Commission authorization beginning September 2002. To date, there have been numerous community outreach meetings, presentations to civic, professional and other organizations, and City Commission Workshops and special meetings. The meeting November 15, 2004 was the third in a series of three special Commission meetings intended to summarize previous studies and follow-up from previous meetings. The focus of the first summary meeting September 30, 2004 was environmental studies, the focus of the second on November 1, 2004 was conservation and renewable energy, and the focus of the meeting November 15 2004 was an analysis of the financial aspects of the proposed plan and the adequacy of staff's evaluations to date.*

*At the November 15 meeting, City Commission heard a presentation from the Alachua County Environmental Protection Department, in response to a referral made September 30, 2004 to the Alachua Board of County Commissioners by the City Commission. Presentations were also made by the Alachua County Environmental Protection Advisory Committee (EPAC), an*

*independent consultant, R.W.Beck. Comments about the long term electrical supply plan were made by members of the public at both the November 15 and 22 Commission meetings. Staff has developed a document containing responses to the questions, issues, recommendations and comments made in these presentations. Staff is also prepared to provide a brief presentation providing an overview of their responses, intended to be an introduction and a guide for subsequent detailed review by individual Commissioners.*

**RECOMMENDATION**

*The City Commission receive a brief presentation summarizing the document prepared by staff to address questions and recommendations received during the November 15, 2004 special City Commission meeting on affordable long term electrical supply, including: 1) A report entitled "Technical Review of Gainesville Regional Utilities Integrated Resource Plan" dated November 15, 2004 and prepared by the Alachua County Environmental Protection Department and presented to the City Commission November 15, 2004, annotated to contain staff's responses to the findings and recommendations contained therein; 2) A report entitled "Staff Response to EPAC's Recommendations to the Gainesville City Commission Regarding GRU's Power Plant Proposal"; 3) A report entitled "Supplementary Study of Generating Alternatives For Deerhaven Generating Station" dated March 2004 and prepared by Black and Veatch, which contains the source of the information presented by staff to the City Commission on November 1, 2004 addressing the availability of waste wood from forestry resources, the range of alternatives considered for employing biomass, and evaluations of gasification, including Integrated Gasification Combined Cycle facility costs (IGCC); and 4) A report entitled "Staff response to questions and issues regarding long term electrical supply raised during public comment at the November 15, and November 22 2004 City Commission meetings".*

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT - 10:06 PM**