

# **City of Gainesville**

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



## **Meeting Agenda**

**October 16, 2008**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Jack Donovan (District 3)  
Commissioner Thomas Hawkins (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Lauren Poe (District 2)  
Commissioner Craig Lowe (District 4)*

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

## CALL TO ORDER

## AGENDA STATEMENT

*"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."*

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 080327.

#### **Lease for Solid Waste Office Space at 201 NW 10th Avenue (B)**

**This item is a request for the City Commission to authorize the City Manager to execute a Lease for Solid Waste Office Space at 201 NW 10th Avenue**

*Explanation: The Public Works Department's Solid Waste Division is requesting to renew the revised lease agreement of office space at 201 NW 10th Avenue and a portion of an adjacent warehouse located at 920 NW 2nd Street that consists of 3,400 square feet of office space and 1,000 square feet of warehouse space at \$5,000 per month for eighteen (18) months. This represents an increase of \$500 per month over a rental rate that was constant since FY 2005.*

*Fiscal Note: Funds are available in the Solid Waste Division's FY 2009 operating budget.*

#### **RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to sign the lease with Mitchell Realty, subject to approval by the City Attorney as to form and legality; and 2) issue a purchase order in the amount of \$60,000 for the first twelve (12) months and \$30,000 for the final six (6) months of the eighteen (18) months lease.*

080327\_Agreement\_20081016.pdf

**080360.****Bid Award - Installation of a Modular Building and Associated Site Work at the Regional Transit System Compound (B)**

**This is a request for the City Commission to award the bid to CCI Cabot Construction for the site work and installation of the RTS Administration Modular Building next to the RTS Operations building located at 100 SE 10th Avenue.**

*Explanation:* On May 12, 2008, the City Commission approved RTS to move forward with installing a modular building to house RTS Administration onto RTS property located at 100 SE 10th Avenue.

On September 16, 2008, the City's Purchasing Division received bids for the installation of the RTS Administration Modular Building at 100 SE 10th Avenue. Six (6) firms submitted bids. The low bid meeting specifications was CCI Cabot Construction with a bid amount of \$379,500.

*Fiscal Note:* Funding in the amount of \$417,450 for this project is identified by RTS and available through the FTA Section 5307 grants.

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) award the bid to CCI Cabot Construction for Modular Building Site Work and Installation; 2) authorize the City Manager to execute the contract, subject to approval by the City Attorney as to form and legality; and 3) issue a purchase order in an amount not to exceed \$379,500.*

080360\_BidTab\_20081016.pdf

**080414.****Purchase Ethernet network equipment for Traffic Management System communications network from Express Supply, Inc. (B)**

**This item is a request to purchase Ethernet equipment necessary for communications pertaining to Traffic Operation's fiber network for the Traffic Management System in the amount of \$102,996.80.**

*Explanation:* The Public Works Department is in the process of implementing the Traffic Management System (TMS). Phase I is currently under construction. The Public Works Department and the Florida Department of Transportation have been installing an Ethernet fiber/wireless network for the TMS in the Gainesville Urban Area. Express Supply, Inc., is the supplier of communications equipment for the operation of the Ethernet network. All items to be purchased under this authorization will be purchased from Express Supply through a competitively bid contract by Seminole County, Florida for the communications equipment. A copy of the contract is available in the City's Purchasing Division.

*Traffic Operations utilizes an Ethernet network for communications because it*

is the most widespread standards-based networking technology. It allows for a common protocol of communication between like and unlike network devices.

*Fiscal Note:* Funding in the amount of \$102,996.80 for purchase of the equipment is available from the appropriation for the Traffic Management System in the CIRB of the 2005 Capital Project Fund.

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) approve the purchase of the equipment from Express Supply, Inc.; and 2) authorize the City Manager to issue a purchase order in an amount not to exceed \$102,996.80.*

080414\_Spreadsheet\_20081026.pdf

**080417.**

**Contract for Pavement Preservation Surfacing (B)**

**This item is a request to award a contract for pavement preservation surfacing as a part of the City's Pavement Management Program.**

*Explanation:* The Pavement Management Program focuses on treatment of roads with pavement condition index (PCI) between 65 and 85 using a variety of pavement preservation techniques (i.e., Fog Seal, Crack Seal, Chip Seal, Micro Surfacing, Cape Seal, etc.) as a means of preventive maintenance and pavement restoration. Periodic applications of these treatments at scheduled intervals serve to substantially increase the functional life of the asphaltic concrete roadway surface as compared to the surface deterioration of an untreated roadway surface when exposed to the elements. An additional important benefit is that this objective of increasing the functional life of a roadway is achieved at a much reduced cost when compared to the traditional methodology of treating worst roads first which can later lead to expensive total roadway rebuilding costs.

An existing St. John's County contract was evaluated by the Public Works Department and City Purchasing staff for use of these treatment options, and the unit prices for pavement preservation and asphalt surface treatment applications contained therein were found to be cost competitive for providing such services in the North Florida region. Use of this contract will provide us with a choice of treatment options and related services that can be obtained at a reduced cost.

The pavement preservation related services will be purchased through this competitively bid contract by St. John's County. A master list of street segments which require and will benefit from pavement preservation treatment is attached. These street segments have been individually inspected to confirm if they meet the criteria required to receive surface preservation applications. The contract street segments will be chosen from this list. Since available funding limits the choice of preservation treatment options, only one or maybe two treatment techniques will be considered. The street segments from the master list will be selected if their individual PCI values lie within the optimal PCI range for the chosen treatment. The schedule is to begin these construction

improvements in the fall of 2008.

*Fiscal Note: Work is scheduled for FY 2009, and funding in the amount of \$520,000 required for the award of the contract is available in the General Fund Capital Projects, Roadway Resurfacing Account.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) approve the purchase of the product and services required utilizing the St. John's County Contract; and 2) authorize the City Manager to issue a purchase order not to exceed \$520,000.*

080417\_Spreadsheet\_20081016.pdf

**080428.**

**21st Century Community Learning Center Interlocal Agreement with School Board of Alachua County (NB)**

**This item involves the City of Gainesville receiving \$247,165 in Year 5 grant funds from the School Board for the City's 21st Century Learning Centers. One 21st Century Learning Center is located at the Eastside Recreation Community Center and the other at the Reichert House.**

*Explanation: In 2004, the Alachua County School Board received a five-year, \$2.9 million grant for after school and summer programs for children in the eastern part of the County. The award is from the State of Florida Department of Education under the 21st Century Community Learning Center Grant Program. The grant is entering into Year 5 which began July 1, 2008 and ends June 30, 2009.*

*For Year 5, the grant award provides \$247,165 for the City to provide programming for 21st Century Community Learning Centers at two City-owned facilities, the Eastside Recreation Community Center and the Reichert House. The 21st Century Community Learning Centers have three objectives:*

- 1) To increase the number of students who meet the grade level expectations in reading for the Sunshine State Standards;*
- 2) To provide students with enriching, supervised activities that promote their positive development, improve school attendance, and decrease youth crime; and*
- 3) To increase the school involvement of the families of participating students.*

*To meet these objectives, the City will provide after school and summer programs at the Eastside Recreation Community Center and the Reichert House.*

*Fiscal Note: Funds will be available to the City in the amount of \$247,165 upon execution of the Interlocal Agreement. In Year 5 of the grant, the City is required to provide matching funds (cash or in-kind) in the amount of \$61,791. The Gainesville Police Department will provide \$37,037 in match with in-kind services. The Parks and Recreation Department will provide \$24,754 in cash from the City*

*Manager's requested budget for the Parks, Recreation & Cultural Affairs Department.*

**RECOMMENDATION**

*Recommended Motion: The City Commission authorize the City Manager to: (1) execute an Interlocal Agreement with the School Board for these funds, (2) issue any program related purchase orders, and (3) execute any other program related contracts as necessary to expend the funds in accord with the approved budget, subject to approval by the City Attorney as to form and legality.*

*Alternative Recommendation A: The City Commission decline the 21st Century Community Learning Center Interlocal and continue to operate the programs it would have funded. The fiscal impact is that the City would need to provide \$247,165 from an alternative source of funds.*

*Alternative Recommendation B: The City Commission decline the 21st Century Community Learning Center Interlocal and cancel the programs it would have funded.*

**070445.**

**Airport Fire Rescue and Police Services (B)**

**This item recommends an amendment to the City's agreement with the Gainesville Alachua County Regional Airport Authority (GACRAA) for the provision of fire rescue and police services.**

*Explanation: The City Commission approved a new agreement with GACRAA on September 18, 2008. Prior to execution of the agreement, GACRAA requested that the agreement be modified to include a reciprocal indemnification for GACRAA. GACRAA agreed to execute the agreement as approved by the City Commission in the interim but requested that the Commission consider and approve an amendment to the agreement to provide the indemnification. The Commission approved agreement which includes a GACRAA indemnification for the City has been executed by both parties.*

*The City Attorney's Office has drafted an amendment to the agreement to provide the requested indemnification.*

*Fiscal Note: Reciprocal indemnifications are common practice in these types of agreements. There is no expected fiscal impact.*

**RECOMMENDATION**

*The City Commission approve the amendment to the GACRAA agreement providing the requested indemnification.*

**Legislative History**

9/24/07 City Commission Approved as Amended (7 - 0)  
 1/28/08 City Commission Approved as Recommended (6 - 0 - 1 Absent)  
 9/18/08 City Commission Approved as Recommended (6 - 0 - 1 Absent)

070445\_Agreement\_20081002.pdf  
 070445\_agreement\_20080918.pdf  
 070445\_AGREEMENT\_20081016.pdf

## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

### 080449.

#### **Federal FACT Act (2003) Identity Theft Red Flag Ruling (B)**

**Staff is requesting approval of a proposed Identify Theft Detection and Prevention Program.**

*Explanation: Under the revisions to the FACT Act 2003 (Fair and Accurate Credit Transactions Act), creditors, including utilities, are required to have policies and procedures in place by November 1, 2008 which meet the standards outlined by Federal Agencies including the Federal Trade Commission. There are a number of red flags or potential warnings of identity theft included in the current legislation. Portions of these occur more frequently in utilities than other entities. The proposed FACT Act Compliance Plan specifies the policies and procedures that will be used by GRU to comply with the requirements of this legislation. The Plan may require revisions as practice, business, and further regulation dictate*

*Fiscal Note: Estimated additional costs associated with Equifax consumer identity verification are \$17,000/year. These additional costs may offset some operating costs in Customer Service by reducing labor costs for deposit and account collections as well as provide a reduction in write-offs.*

#### **RECOMMENDATION**

*The City Commission 1) approve GRU's proposed FACT Act Compliance Plan; 2) authorize the General Manager for Utilities or his designee to make further revisions to the Plan as required by practice, business, and the Federal Trade Commission.*

080449\_FACTcomplianceplan\_20081016.pdf  
 080449a\_FACTcomplianceplan\_20081016.pdf

### 080450.

#### **Sale of Surplus Generators (NB)**

**Staff recommends approval of the sale of three generators located at the Southwest Alachua Landfill.**

*Explanation: The City of Gainesville and Alachua County entered into an inter-local agreement for the "Landfill Gas to Energy Project" on June 29, 2001. The intent of the agreement was to allow GRU to capture landfill gas from Alachua County's Southwest Landfill which could be used to generate green energy for GRU's electric customers. To accomplish this, GRU purchased three engine*

generators for the site. The operation successfully produced energy for approximately four years. Beginning in 2007, the landfill gas quality and quantity diminished considerably and the equipment began to develop maintenance problems due to the minimized landfill gas fuel supply. City and County staff worked to return the project to a productive state without success.

Staff believes that the site's available landfill gas is no longer capable of producing the required capacity for energy production. Therefore, staff recommends the sale of the generators and associated equipment in an effort to recover as much of the investment as possible. Because the equipment's design is tailored for use in a landfill gas operation, the successful bidder will likely be seeking equipment for another landfill gas operation that will continue to be used to generate green energy.

Staff typically solicits bids for the sale of surplus goods, then requests City Commission approval for the sale with the list of bidders and their bid prices. However, due to the likelihood that the buyer(s) may have time considerations for completing the sale and receiving the equipment, staff is requesting authorization in advance for the sale to the highest bidder(s). The bid will be issued by GRU Purchasing following City policy and procedures for surplus sales.

Alternative sources of green power have been secured with a contract to obtain 3MW of electricity generated at the landfill gas to energy plant under construction at the Baseline Landfill in Marion County, Florida.

*Fiscal Note:* The sale of the generators and associated equipment will allow for recovery of funds for the items designated as surplus. GRU anticipates a minimum return of \$500,000.

**RECOMMENDATION**

*The City Commission: 1) declare the three City-owned generators located at the Southwest Alachua Landfill as surplus; and 2) authorize the General Manager, or his designee, to negotiate and execute a contract for the sale of the generators, subject to approval by the City Attorney as to form and legality.*

**080451.**

**Purchases for Energy Conservation Programs (NB)**

**Staff requests authorizing the General Manager to purchase goods and/or services necessary for establishing or modifying energy conservation programs which do not to exceed \$100,000.**

*Explanation:* Prior to FY 2007 and 2008, the City Commission authorized the General Manager to purchase goods and services for energy conservation measures approved in those respective annual budgets in amounts not exceeding \$100,000. The purpose of the request was to facilitate the implementation of energy conservation measures by obtaining approval for all projects in each fiscal year. The approval enabled staff to expedite establishing energy



*conservation programs that would require prior City Commission approval. All purchases were made in accordance within established policies and procedures.*

*The City Commission approved the continuation of energy conservation programs in the FY 2009 budget for the purpose of continuing the reduction of energy and demand. In order to implement and maintain conservation programs with flexibility to meet customer needs, staff requests authorizing the General Manager, or his designee to approve these programs without additional City Commission approval. No single purchase will exceed \$100,000 and all purchases will be procured in accordance with established purchasing policies and procedures. Purchases exceeding \$50,000 will be included on the monthly purchases reported to the City Commission. Staff will request City Commission approval for any purchase exceeding \$100,000.*

*Fiscal Note: Funds for this request are included in the Utilities Budget for FY 2009 and will be requested in future fiscal years.*

**RECOMMENDATION**

*The City Commission 1) waive the requirement for City Commission approval for budgeted energy conservation programs which do not exceed \$100,000; 2) authorize the General Manager, or his designee, to negotiate and execute contracts for budgeted energy conservation programs which do not exceed \$100,000 in accordance with established Purchasing policies and procedures, subject to approval of the City Attorney as to form and legality; and 3) approve the issuance of purchase orders for required goods and services to various vendors for these programs, in amounts not exceeding \$100,000.*

**080452.**

**Contract for Executive Search Services (B)**

**Staff recommends award of a contract for executive search services to Mycoff, Fry & Prouse LLC.**

*Explanation: Hiring executive-level positions for Utility positions often requires the expertise of an executive search firm to help identify and reach qualified candidates nationwide. In addition, a vacancy in these high level positions can significantly impact department operations so an expeditious hiring process is required.*

*When executive search services have been required for positions in the past few years, GRU Purchasing issued a Request for Proposals (RFP) for selecting an executive search firm to assist with hiring a qualified candidate. The RFP process can take approximately two months to issue, award and obtain City Commission approval for the contract. For this reason, staff recommends establishing a multi-year annual contract for executive search services that would be expedite the hiring process and could be used when needed. The need for these services may increase since nearly 45% of the Utility's current managers are eligible to retire within the next five years.*

*A Request for Proposals was issued by Purchasing for a three year contract for executive search services for use by the Human Resources/Organizational Development Department. The RFP was sent to ten firms, with three responding. Proposals were evaluated based on the firm's experience and methodology as well as references, pricing, proposed schedule for the hiring and success with diversity recruiting. Mycoff, Fry & Prouse, LLC, (MF&P) submitted the best evaluated proposal. MF&P, LLC, is an industry expert for the electric, natural gas, and water utilities. The cost for each recruitment will be fee based, ranging from \$35,000 to \$55,000, excluding travel and expenses. The contract may also be used for hiring other City positions as well. A tabulation of the scoring is attached for your reference.*

*Fiscal Note: Funds for these services are available in the FY 2009 GRU budget and will be requested in future fiscal years, subject to final appropriation of funds for each year of the contract.*

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager, or his designee, to execute a three year contract with Mycoff, Fry & Prouse LLC. for executive search services for Utility positions; and 2) issue purchase orders to Mycoff, Fry & Prouse LLC for these services in an amount not to exceed budgeted amounts for these services for each year of the contract, subject to final appropriation of funds for each year of the contract.*

080452\_contract\_20081016.pdf

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

### **080436**

#### **LOT 10 - MUTUAL RESCISSIONS OF AGREEMENTS BETWEEN THE CITY AND GG DEVELOPMENT ASSOCIATES AND KENNETH AND LINDA McGURN; APPRAISAL; AND OPTION TO PURCHASE BETWEEN THE CITY AND THE CRA (B)**

*Explanation: As has been previously discussed, by both the City Commission and the CRA, the Gainesville Greens project proposed to be constructed on City Lot 10 has been adversely affected by the change in market conditions since the project was initially proposed and approved three years ago. When the Option to purchase between the City and the Developer was extended in June 2008, there were concerns that the current real estate and financial market conditions could prevent the project from being built. On August 29, 2008, the Developer notified the City that it was unable to move forward with the development.*

*On September 15, 2008, the CRA discussed the scope for a new RFP for Lot 10, approved a Mutual Rescission of its Development and Disposition Agreement with the Developer and authorized the CRA to enter into a new Option to Purchase Lot 10 with the City. Rescission of the agreements between the Developer and the City will likewise bring this matter to closure for all parties and will allow the CRA to move forward with the issuance of a new RFP for*

redevelopment of Lot 10.

**RECOMMENDATION**

*The City Commission (1) rescind the License Agreement for Use of the Parking Garage between the City and GG Development Associates dated May 15, 2007; (2) rescind the Second Amendment to License Agreement for Use of Parking Garage dated May 15, 2007 between the City and Kenneth and Linda McGurn; (3) rescind the Option Contract for the Purchase and Sale of Land dated June 17, 2005 (as subsequently assigned to GG Development Associates on September 13, 2006), the First Amendment dated May 17, 2007 and Second Amendment dated June 16, 2008; (4) authorize the City Manager to execute any and all documents related to such rescissions, subject to review by the City Attorney as to form and legality; and (5) direct the City Manager, or designee, to obtain an appraisal of Lot 10 and to negotiate a new option to purchase with the CRA.*

080436a\_GainesvilleGreensRescission\_20081016.pdf

## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

**080454.**

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of September 29, 2008 (Joint City/County); and October 2, 2008 (Regular Meeting); as circulated.*

080454\_min\_20081016.pdf

080454a\_min\_20081016.pdf

## EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

## COMMITTEE REPORTS, CONSENT AGENDA ITEMS

## PUBLIC SAFETY COMMITTEE, CONSENT

**071199.**

**Apartment Complex Maps (B)**

*Explanation: This item was referred to the Public Safety Committee at the May 12, 2008 City Commission meeting. The referral was initiated after a suggestion was presented to then Gainesville City Commissioner Ed Braddy by a police sergeant who had concerns about operationally and tactically being able to provide expeditious public safety response to large apartment complexes. The concern was based on the idea that large complexes are difficult to navigate and challenging for emergency responders to provide public safety. The*

sergeant suggested large complexes should be required to provide "wayfinder" maps at the entranceways of complexes. "Wayfinder" maps would be easily accessed by emergency responders and provide them with a clear understanding of the layout of large apartment complexes.

Discussion of this referral began at the July 29, 2008 Public Safety Committee meeting. At that meeting, Commissioner Mastrodicasa requested staff look for ways to work with the apartment complex owners on this issue and come back to the Committee when they were ready to make recommendations.

At the September 24, 2008 Public Safety Committee meeting, GPD staff recommended that GPD staff, at the First Step Design Out Crime meetings with apartment complex owners, will be responsible for requesting that "wayfinder" maps be made available at the entrances of large apartment complexes. The Committee voted unanimously to let GPD staff handle this issue.

*Fiscal Note:* There would be no cost to the City for this requirement to be implemented.

**RECOMMENDATION**

The City Commission 1) approve GPD staff to handle the issue of wayfinder maps at large apartment complexes at the First Step Design Out Crime meetings; and 2) remove this item from the Public Safety Committee referral list.

**Legislative History**

5/12/08      City Commission      Referred (7 - 0)      Public Safety Committee  
 071199\_AptMaps\_20080729.pdf  
 071199\_AptCompSampLtr\_20080924.pdf  
 071199\_AptCompPhotos\_20080924.pdf

**080347.**

**Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for the Mounted Unit (B)**

*Explanation:* On October 13, 1997, the City Commission approved the formation of the Gainesville Police Department Mounted Unit Patrol Unit and authorized funding through the LECFTF.

A Funding request of \$29,328.00 is requested to cover the operating expenses of the unit for FY09. The total operating cost includes funding for stable / boarding, veterinarian services, horse feed, supplies and training. Note: there was money available in the account for Mounted Unit therefore we are not asking for the full \$56,328.00 operational budget anticipated for FY09.

The Public Safety Committee unanimously approved this funding at its September 24, 2008 meeting.

*Fiscal Note:* Funds for this expenditure in the amount of \$29,328.00 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The balance in this account is \$1,366,283.00.

**RECOMMENDATION**

*The City Commission approve the appropriation of \$29,328.00 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Mounted Unit.*

080347\_MountedUnitCosts\_20080924.pdf

**080348.****Federal Law Enforcement Contraband Forfeiture Trust Fund Funding for Joint Aviation Unit (B)**

*Explanation: On July 8, 1996, the City Commission approved the Inter-Agency Agreement for a Joint Aviation Unit between the Alachua County Sheriff's Office (ACSO) and the City of Gainesville's Police Department. The agreement allows for each agency to share the cost of the aviation hangar and office located at the Gainesville Regional Airport and the ACSO maintenance technician's salary. Total estimated operating costs for FY09 are \$130,616. Estimated cost for the City's half of the hangar/office and maintenance technician's salary is \$49,696. In addition, this request includes costs for normal operating expenses for GPD's helicopter of \$80,920. These costs are for fuel, aircraft parts, required maintenance inspections, mandatory flight training for pilots, on-going training for flight officers, and FAA physicals.*

*The Public Safety Committee unanimously approved this funding at its September 24, 2008 meeting.*

*Fiscal Note: Funds in the amount of \$130,616 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The balance in this account is \$1,366,283.00.*

**RECOMMENDATION**

*The City Commission approve the appropriation of \$130,616 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Joint Aviation Unit.*

080348\_AviationCosts\_20080924.pdf

**COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****080390.****Community Development Committee (CDC) - Removal of Referrals (B)**

**This item seeks City Commission approval of the Committee's (CDC) recommendation to remove several pending referrals.**

*Explanation: The CDC has a number of pending referrals that have either been acted on by the Committee itself or the City Commission in its entirety. Referrals recommended for removal are as follows:*

- 060666 Building Height, Number of stories and Special Use Permits
- 060854 Healthy City, Healthy Region: An Update 10 Years Later
- 080229 Affordable Housing in General
- 060987 Transition Policies for Mobile Home Parks
- 060910 Temporary Signage at Car Dealerships

*With respect to the Building Height and Healthy City items, the Commission has taken action. On the remaining items, the CDC recommended referral removal as per attached back-up at its regularly scheduled meeting on August 28, 2008.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) approve the CDC Committee's recommendation regarding removal of several CDC referrals.*

080390\_Min\_20081016.pdf

## **EQUAL OPPORTUNITY COMMITTEE, CONSENT**

### **080439.**

#### **Add Domestic Partners to City Code (NB)**

*Explanation: The implications of the definition of a family as a result of the establishment of the City's Domestic Partner Registry were referred to the Equal Opportunity Committee on 6/11/07. The Equal Opportunity Committee discussed incorporating "registered domestic partner" into the City's Code of Ordinances. On May 20, 2008, the Equal Opportunity Committee recommended making changes to the Code, as described below, to provide benefits to and recognition of Registered Domestic Partners, said changes to occur after the Registered Domestic Partner provisions of the Code had been amended to prevent close relatives from becoming Registered Domestic Partners. The Registered Domestic Partner code provision has now been so amended.*

**RECOMMENDATION**

*City Commission authorize the City Attorney to draft and Clerk of the Commission to advertise an ordinance amending chapters 2, 7 and 13 of the City's Code of Ordinances to include references to Registered Domestic Partners for certain pension benefits, allowing multiple family names on cemetery memorials, and to add registered domestic partners to listed relationships in building code provisions related to rooming houses.*

## **COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

### **END OF CONSENT AGENDA**

### **ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****080427.****Approval of a Design for Fire Station # 8 (B)**

**This item involves a request for approval of the design of Fire Station #8. The Fire Station is a 3 bay 9,000 square feet building that will provide living quarters for five (5) fire personnel, a classroom and a training area. Staff's goal is to achieve Silver certification for the building using the Leadership in Energy and Environmental Design (LEED) Green Building Rating System.**

*Explanation: On April 7, 2008 the City entered into an agreement to have Bentley Architects and Engineers provide architectural services for the design of Fire Station #8. The approximate 9,000 square foot fire station will be located in the vicinity of 4127 NW 34th Street. The hardened and LEED certified building will house five fire personnel as well as provide covered parking for fire trucks, with washing facilities, in each of the three bays. The fire station will provide all areas necessary to deliver 24 hour fire and medical services to the community and will be constructed with amenities that conform to local community standards. The design team includes representatives from the neighborhood.*

*Fiscal Note: There is \$4.9 million dollars available in a 2005 Capital Improvement Revenue Bond.*

**RECOMMENDATION**

*The City Commission approve the design of Fire Station #8.*

080427\_FIRE STATION 8 DRAWING\_20081016.pdf

080427\_PPT\_20081016.pdf

**070275.****Alternative Sites for the One-Stop Homeless Assistance Center (B)**

**This item is the follow-up to a September 2, 2008, City Commission referral concerning alternative sites for the one-stop homeless assistance center.**

*Explanation: On September 2, 2008, the City Commission chose three alternative sites for the proposed one-stop homeless assistance center and directed the City Manager to obtain additional information regarding the three sites. The three sites are:*

- (1) 5500 SW 63rd Boulevard: 5.62-acre parcel owned by Alachua County;*
- (2) 800 block of NW 53rd Avenue: 12-acre parcel owned by ADC Development & Investment Group, LLC; and*
- (3) NE 63rd Avenue and Waldo Road: 36.72-acre parcel owned by Terrapointe,*

LLC.

*The analysis of each site represents the information obtained by City staff with assistance from other individuals who were involved in the analysis, including representatives from Alachua County, the Gainesville/Alachua County Office on Homelessness and Meridian Behavioral Healthcare, which is the lead agency for the GRACE Marketplace collaborative. Additional site comparison information for each of these sites is provided in the agenda backup (Exhibit A).*

*Fiscal Note: The financial impact of selecting an alternative site for the one-stop homeless assistance center will vary depending on the final site that is approved by the City Commission. The estimated costs for acquiring each site, including the site improvement and building construction, are provided in the agenda backup (Exhibit B).*

*The total funding that is available as of October 1, 2008 for the proposed one-stop homeless assistance center is as follows: 1) \$413,223 for leasing and operations (including \$100,000 from Alachua County); and 2) \$268,000 for facility construction/renovations. Note: The amount in #1 includes \$292,508 that was previously committed for the first year operation of the GRACE Marketplace (one-stop center). Additional grant programs that can be pursued for potential sources of funding for the one stop center is included in the agenda backup (Exhibit C).*

**RECOMMENDATION**

*The City Commission : 1) review the additional information concerning the alternative sites for the proposed one-stop homeless assistance center and shelter services and rank the sites according to preference for acquisition; 2) authorize the City Manager to negotiate an option to acquire the site selected and, if negotiation is successful, initiate the rezoning process of that site; 3) authorize the City Manager to work with the GRACE Marketplace collaborative, the Office on Homelessness and other local providers to continue to identify financial resources for the site selected to secure funding to construct the one-stop homeless assistance center and shelter services; 4) authorize the City Manager to work with non-profit organizations and other local providers to identify the appropriate agency to provide services for an interim one stop center; and 5) authorize the City Manager to work with the North Main Terrace group to confirm offers of contributions for the one stop center.*

*Alternative Recommendation A: The City Commission: 1) review the additional information concerning the alternative sites and reject all alternative sites; and 2) authorize the City Manager to initiate a new search for a suitable site for the one-stop homeless assistance center.*



Legislative History

8/13/07 City Commission Continued (6 - 0 - 1 Absent)  
8/27/07 City Commission Approved as Recommended (5 - 2)  
4/21/08 City Commission Approved as shown above (Divided Question) (5 - 2)  
8/21/08 City Commission Approved, as shown above (Motions)

070275a\_200708131300.pdf  
070275b\_200708131300.pdf  
070275c\_200708131300.pdf  
070275d\_200708131300.pdf  
070275e\_200708131300.pdf  
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070275\_200804211800.pdf  
070275\_MOD-SiteEvaluation-Publicly-Owned Sites\_20080821.PDF  
070275\_MOD-Site Evaluation-SitesforPurchase\_20090821.PDF  
070275\_MOD-SiteEvaluation-SitesforLease\_20080821.PDF  
070275\_MOD-Table 1\_20080821.PDF  
070275\_MOD-Table 2\_20080821.PDF  
070275\_MOD-Table 3\_20080821.PDF  
070275\_MOD-One-StopPotentialSites\_20080821.PDF  
070275\_MOD-SouthernOne-StopSites\_20080821.PDF  
070275\_MOD-One-StopAdvertisement051608\_20080821.pdf  
070275A\_SPREADSHEET\_20081016.pdf  
070275B\_SPREADSHEET\_20081016.pdf  
070275C\_MEMO\_20081016.pdf  
070275D\_PPT\_20081016.PDF  
070275E\_MEMO\_20081016.pdf  
070275F\_MEMO\_20081016.pdf

**GENERAL MANAGER FOR UTILITIES****CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****PUBLIC SAFETY COMMITTEE****080284.****Roam Towing - Allowing Booting on Private Property (B)**

*Explanation: This item was referred to the Public Safety Committee at the August 11, 2008 City Commission Meeting for staff to research and review the legalities of allowing tow companies to "boot" vehicles on private property.*

*This issue was previously discussed in 2004/05 when an independent business owner wanted to have permission to "boot" vehicles himself on his property and collect the fees. The request was denied at that time.*

*The Committee discussed this referral at its September 24, 2008 meeting. GPD staff researched some other cities in Florida who have "booting" vehicles as part of their towing ordinances. GPD staff also consulted with the City Attorney's Office and determined that "booting" is not prohibited as long as a towing company licensed by the City did the "booting" and that the companies would not charge an additional fee. Property owners would be required to add signs to say that vehicles may be "booted" on their property and GPD would have to inspect them one time only.*

*Fiscal Note: There would be no cost to the City to implement this amendment to the Roam Towing Ordinance.*

**RECOMMENDATION**

*The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise amendments to the Roam Towing Ordinance to allow tow companies to "boot" vehicles on private property charging only one fee.*

**Legislative History**

8/11/08 City Commission Referred (7 - 0) Public Safety Committee

080284\_LegistarHist\_20080924.pdf  
 080284\_PeerCitiesHist\_20080924.pdf  
 080284\_CurrentInfoLtr\_20080924.pdf  
 080284a\_TampaOrd\_20081016.pdf  
 080284b\_NoMiamiOrd\_20081016.pdf  
 080284c\_OrlandoOrd\_20081016.pdf

## ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

## OUTSIDE AGENCIES

## MEMBERS OF THE CITY COMMISSION

### **080458.**

#### **Mayor Pegeen Hanrahan - Mayor's Advisory Panel (B)**

**RECOMMENDATION**

*The City Commission hear a brief report from Mayor Hanrahan and consider supporting and initiating this initiative in Gainesville.*

080458\_mayoradvisorypanel\_20081016.pdf

### **080457.**

#### **Mayor-Commissioner Pro Tem Jack Donovan - Noise Zone Standards (NB)**

*Explanation: Commissioner Donovan requests that the Commission establish a process to*

*review City regulations governing noise zone standards near its airport within which residential development is allowed or prohibited.*

**RECOMMENDATION**

*The City Commission hear and discuss a presentation and recommendations from staff during a November commission meeting or workshop and develop a recommendation for endorsing or changing the regulations.*

**COMMISSION COMMENTS (if time available)**

**RECESS**

**RECONVENE**

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

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**080442.**

**United Nations Day - October 23, 2008 (B)**

**RECOMMENDATION**

*Chair of Local UNA-USA Barbara Herbstman to accept the proclamation.*

080442\_UnitedNationsDayProc\_20081016.pdf

**080443.**

**City Of ONE (B)**

**RECOMMENDATION**

*Regional Outreach Ambassador/Intern Andrea Morley, President, UF ONE Chapter/Intern Lynne Guey, Intern Gabriella Palmi, and Intern Rekha Thayil to accept the proclamation.*

080443\_CityofOneProc\_20081016.pdf

**080444.**

**White Cane Safety Month - October 2008 (B)**

**RECOMMENDATION**

*Alachua County Council of the Blind President Spencer Morton and White Cane Safety Walk Co-Chair Maxine Stallings to accept the proclamation.*

080444\_WhiteCaneSatetyProc\_20081016.pdf

**080445.** DECA Week - October 12-18, 2008 (B)

**RECOMMENDATION** *Buchholz DECA President Joseph Stagliano, Vice President of Public Relations Lindsay Smith, Vice President of Competitive Events Caitlin Rose, and Vice President of Community Service Kathryn Ciano to accept the proclamation.*

080445\_DECAWeekProc\_20081016.pdf

**080446.** National Head Start Awareness Month - October 2008 (B)

**RECOMMENDATION** *Head Start/Early Intervention - Alachua County Public Schools October Awareness Committee 2008 to accept the proclamation.*

080446\_HeadStartAwarenessMonthProc\_20081016.pdf

**080447.** National Arts and Humanities Month - October 2008 (B)

**RECOMMENDATION** *Gainesville/Alachua County Cultural Affairs Board Chair Melissa Gehardt and Cultural Affairs Manager Coni Gesualdi to accept the proclamation.*

080447\_Arts&HumanitiesMonthProc\_20081016.pdf

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

**PUBLIC HEARINGS**

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

**080167.** REZONING - GRU EASTSIDE OPERATIONS CENTER (B)

**Ordinance No. 0-08-58, Petition No. 55PSZ-08PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the zoning category of "I-1: Limited industrial district" to the zoning category of "PS: Public services and operations district" to permit the Gainesville Regional Utilities Operations Center; allowing the uses permitted by right as more specifically described in this Ordinance, with the approval of a preliminary development plan; providing conditions; located in the vicinity of the 4500 Block of North Main Street; providing a severability clause; providing a repealing clause; and providing**

**an immediate effective date as set forth in this ordinance.**

*Explanation: STAFF REPORT*

*Located at the 4500 Block of North Main Street (east side), the approximately 117-acre site was purchased by the City of Gainesville for the establishment of the GRU Eastside Operations Center. This petition will apply PS (Public services and operations district) zoning to the entire site in place of the existing I-1 (Limited industrial district) zoning. The land use designation on the site will remain as 'Industrial', since this land use may be implemented by the PS zoning district under Section 30-46 of the City Land Development Code.*

*The purpose of this petition is to adopt uniform development regulations that are consistent with the intended use and operation of the proposed operations center. The petition is proposed in a manner that is compatible with the surrounding land use and considers the existing site conditions. The operations center will include facilities related to electric, water, wastewater, natural gas, and telecommunications. Proposed development for the site includes offices, maintenance shops, warehouse buildings, a training facility, and a systems control center. The center will house a maximum of 325 employees.*

*Submitted for consideration are an associated rezoning report and a preliminary development plan. These documents propose development standards that are tailored specifically to the intended use of the site by GRU. These standards outline the permitted uses for the site, building setbacks and maximum height, and required landscape buffers. These proposed regulations, if approved, will guide the future development of this site by Gainesville Regional Utilities. The City's Land Development Code will remain applicable in all instances that are not specifically addressed by the PS rezoning report and the preliminary development plan. A proposed general layout for the site is also shown on the preliminary development plan.*

*Public notice for this petition was published in the Gainesville Sun on June 4, 2008*

*The City Plan Board considered Petition 55PSZ-08PB with the associated rezoning report and preliminary development plan at a public hearing held June 19, 2008. By a vote of 4 - 0, the City Plan Board approved the petition with staff conditions.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of July 28, 2008, approved Petition No. 55PSZ-08PB and authorized the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance rezoning the property to "PS: Public services and operations district" with conditions.*

#### **RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

#### **Legislative History**

7/28/08 City Commission Approved (Petition) with Staff Conditions (5 - 0 - 2 Absent)

080167\_petition\_20080728.pdf

080167-1\_concept master plan\_20080728.pdf

080167A\_Staff PPT\_20080728.pdf

080167\_draft ordinance\_20081016.pdf

#### 080424.

#### URBAN SERVICES REPORT - LAKES OF KANAPAHA (B)

##### **Ordinance No. 0-08-69**

**An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcel Numbers 06916-000-000, 06929-000-000, 06916-001-000, 06933-000-000, 06935-001-000 and 06917-000-000, generally located south of Tax Parcel 06819-010-000, west of SW 47th Street, north of SW Archer Road, and east of Lake Kanapaha and the City limits; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.**

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

*The report must generally include the following information:*

*1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;*

*2) a statement indicating to what extent services to existing residents would need to be reduced within the next five years because of the annexation; to what extent taxes would need to be adjusted within the next five years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;*

*3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:*

*a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.*

b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.

c) if extensions of major trunk water mains and sewer mains into the area to be annexed are necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

d) set forth the method under which the City plans to finance extension of services into the area to be annexed.

*If adopted on first reading, this Ordinance shall be heard on second reading on November 6, 2008. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.*

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

080424\_Lakes of Kanapaha USR\_20081016.pdf

## **080102.**

### **SOLID WASTE DISPOSAL (B)**

#### **Ordinance No. 0-08-67**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to solid waste disposal; amending sec. 27-79(p) by removing outdated recycling goals; amending sec. 27-79.1 to remove outdated reference and clarifying term of franchise; amending sec. 27-80(a)(1) to clarify the frequency of payment of the franchise fee; amending Appendix A relating to fees for solid waste and recyclables by correcting a scrivener's or codifier's error and by providing for proration of franchise fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: PUBLIC WORKS DEPARTMENT STAFF REPORT*

*The Public Works Department's Solid Waste Division is requesting to amend Article III of Division 2, Section 27-79.1 of the City of Gainesville's Code of Ordinances related to commercial solid waste collection franchise general provisions to remove an outdated reference and to clarify that new and renewal franchises terminate at 11:59 p.m. on September 30 of each year. The amendment also removes outdated language regarding recycling goals and provides language to support the current practice of franchise fee proration.*

#### **CITY ATTORNEY MEMORANDUM**

*The City Commission, at its meeting of September 4, 2008, authorized the City*

*Attorney's office to prepare and the Clerk of the Commission to advertise the necessary ordinance relating to commercial solid waste. During preparation of this ordinance, the City Attorney's Office found that a scrivener's or codifier's error in Ordinance No. 050120, adopted in 2005, caused certain solid waste franchise fees to be inadvertently omitted from Appendix A. This error is being corrected in this ordinance by inserting the current fees (which have remained the same since 2005). Should this ordinance pass on first reading, second and final reading will be held on Thursday, November 6, 2008*

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

**Legislative History**

9/4/08              City Commission              Approved as Recommended (5 - 0 - 2 Absent)

080102a\_Ordinance Amendment\_20080904.pdf

080102b\_Ordinance Amendment\_20080904.pdf

080102\_solid waste disposal\_20081016.pdf

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

### **080165.**

#### **STREET VACATION - ADJACENT TO YMCA (B)**

##### **Ordinance No. 0-08-57, Petition 107SVA-07PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close the right-of-ways, generally described as Northeast 13th Terrace and that portion of Northeast 22nd Avenue lying one foot west of a line between the Southeast corner of lot 14 and the Northeast corner of lot 29 and that portion of Northeast 21st Avenue lying one foot west of a line between the Southeast corner of lot 35 and the Northeast corner of lot 50, as per the plat of the third addition to Carol Estates, as more specifically described in this Ordinance; reserving a public and private utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF REPORT*

*The purpose of this request is to vacate the right-of-way of Northeast 13th Terrace and that portion of Northeast 22nd Avenue lying one foot west of a line between the Southeast corner of lot 14 and the Northeast corner of lot 29 and that portion of Northeast 21st Avenue lying west of a line between the Southeast corner of lot 35 and the Northeast corner of lot 50, as per the plat of the third addition to Carol Estates. The City of Gainesville entered into a License Agreement with the North Central Florida Young Men's Christian Association, Inc. (YMCA) in August of 2002 for the use of the unimproved rights-of-way that loop through their property and separate two major sections of the property. The rights-of-way are not paved or maintained and are overgrown with vegetation. One of the stipulations of the agreement was that the City will initiate a petition to vacate the unimproved rights-of-way.*

*The rights-of-way to be vacated are 50-feet wide. Northeast 22nd Avenue is paved west from Northeast 15th Street to a point adjacent to Lots 15 and 28.*



*Northeast 21st Avenue is paved west from Northeast 15th Street to a point adjacent to Lots 36 and 49. Northeast 13th Terrace is the connector right of way between Northwest 21st Avenue and 22nd Avenue. Typically, upon vacation of a right of way, an overall utility easement is retained. In this case, Gainesville Regional Utilities (GRU) has requested that the City not retain an overall 50-foot utility easement over the vacated right-of-way. GRU has requested that the YMCA grant a utility easement over the westerly 20 feet of their property. The YMCA has agreed to grant the easement in exchange for the City vacating the subject rights-of-way. Vacating the rights-of-way adjacent to property designated for Single-Family on the Future Land Use Map and zoned for single-family use does not indicate support for those properties to be used for recreation use.*

*Planning Division staff recommended approval of Petition 107SVA-07 PB, with the condition that the City will waive the right to retain an overall 50-foot utility easement over the rights-of-way to be vacated in exchange for a 20-foot utility easement along the western property line of the YMCA.*

*The City Plan Board reviewed the criteria in determining whether the public interest would be best served by the proposed street vacation and recommended approval, Plan Board vote 4-0.*

*Public notice was published in the Gainesville Sun on June 4, 2008. The Plan Board held a public hearing on June 19, 2008.*

#### *CITY ATTORNEY MEMORANDUM*

*The North Central Florida YMCA granted a utility easement to the City as provided in the conditions, on August 11, 2008, as recorded in O.R. Book 3823, Page 2971, Public Records of Alachua County, Florida.*

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

#### **Legislative History**

7/28/08      City Commission      Approved (Petition) (5 - 0 - 2 Absent)  
10/2/08      City Commission      Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

080165\_petition\_20080728.pdf  
080165A\_Staff PPT\_20080728.pdf  
080165\_draftordinance\_20081002.pdf

## **ADOPTION READING- ROLL CALL REQUIRED**

### **070904.**

#### **COMPREHENSIVE PLAN AMENDMENT - URBAN MIXED-USE 1 FUTURE LAND USE CATEGORY - BUILDING HEIGHT (B)**

#### **Ordinance No. 0-08-07; Petition 105CPA-07 PB**

**An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive**

**Plan, amending the Urban Mixed-Use-1 category within Policy 4.1.1 by deleting the current allowance for an additional 2 stories of building height by Special Use Permit and deleting an unnecessary reference to the Land Development Code; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: PLANNING & DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*On May 12, 2008, the City Commission approved this ordinance for transmittal to the Florida Department of Community Affairs (DCA) for review in accordance with state law. On August 26, 2008, DCA issued its Objections, Recommendation and Comments (ORC) Report to the City (attached as Exhibit "A"). In the ORC Report, the State issued no objections and no comments on the ordinance. Planning staff recommends adoption of the ordinance without revisions.*

#### **BACKGROUND**

*On May 17, 2007, the City Plan Board heard Petition 34TCH-07 PB and voted 6-0 to amend the text of the Gainesville Land Development Code to limit building height in the Urban Mixed Use-1 zoning district to 6 stories by right and not allow any additional height by special use permit. On August 13, 2007, the Petition was heard and approved by the City Commission.*

*Staff realized that the approval of the text change to the Land Development Code requires that the Future Land Use Element of the Gainesville Comprehensive Plan be amended to reflect this limitation in the Urban Mixed-Use 1 Future Land Use category.*

*On September 20, 2007, the City Plan Board heard this Petition 105CPA-07 PB and by a vote of 7-0 recommended approval of this Petition. There are currently no buildings located on lands with Urban Mixed-Use 1 land use that are taller than 6 stories, so existing buildings in this category would not become non-conforming due to the proposed maximum building height of 6 stories.*

*On May 12, 2008, the City Commission approved the Petition and Ordinance on first reading.*

#### **CITY ATTORNEY MEMORANDUM**

*Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal state and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.*

*If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.*

*Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.*

*After this Comprehensive Plan amendment becomes effective, staff will agenda the ordinance hearing for the related text change amendments (Petitions 34TCH-07 PB and 35TCH-07 PB) that were heard and approved as petitions by the City Commission on August 13, 2007.*

*Fiscal Note: None.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

5/12/08 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)

070904\_200805121300.pdf

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**071154.**

**COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT - NEW LAND USE CATEGORY, "BUSINESS INDUSTRIAL" (B)**

**Ordinance No. 0-06-122; Petition 116CPA-07 PB**

**An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan by adding a new land use category, "Business Industrial," to policy 4.1.1, specifying conditions and limitations; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

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

*On May 12, 2008, the City Commission approved this ordinance for transmittal to the Florida Department of Community Affairs (DCA) for review in accordance with state law. On August 26, 2008, DCA issued its Objections, Recommendation and Comments (ORC) Report to the City (attached as Exhibit "A".) In the ORC Report, the DCA's objection to the proposed Business Industrial future land use category was that the City did not include an intensity standard; therefore, the comprehensive plan amendment was not in compliance with Sections 163.3177(6)(a) and 187.201 (25) Plan Implementation, Goal (a) and Policy (b)7, Florida Statutes, and with Rules 9J-5.005(6) and 9J-5.006(3) (c)7., Florida Administrative Code. In response, Planning staff has revised the ordinance to include a maximum floor area ratio of 4.0 for the Business Industrial future land use category. The City staff response to the ORC Report is attached as Exhibit "B".*

*As defined in the City's Land Development Code, "Floor Area Ratio" means the extent of development of any lot, expressed as a ratio of the gross floor area of all buildings on the lot (or of all principal buildings on the lot if the ratio is so limited) to the total lot area. A floor area ratio of 4.0 is a reasonable maximum allowance for this future land use category which has a five-story height limitation. By way of example, a Floor Area Ratio of 4.0 would allow a 5-story building with 80,000 square feet on each floor (a total of 400,000 square feet) on a 100,000 square-foot lot, subject to other zoning limitations.*

#### **BACKGROUND**

*In April 2007, the County submitted a petition (47LUC-07PB) that proposed changing the Alachua County Fairground site land use to Mixed-Use Medium (MU-M) and a petition (48CPA-07PB) to modify the MU-M land use category to accommodate a proposed industrial business park on the Fairground site adjacent to the Airport. After extensive review of the petitions by both City and County staff, it was determined that it would be inconsistent to apply a land use category that allowed residential development in such close proximity to the Airport. However, almost all of the City's existing land use categories allow some type of residential development, including the industrial land use category. The proposed Business Industrial land use category is developed specifically to be applied to properties near the Airport and to other areas of the City where office, business, commercial or industrial uses are desired and residential use is not appropriate.*

*On November 15, 2007, the City Plan Board heard the petition and by a vote of 7-0 recommended the City Commission approve the Petition. On May 12, 2008, the City Commission approved the petition and ordinance on first reading.*

#### **CITY ATTORNEY MEMORANDUM**

*Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal state and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.*

*If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.*

*Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.*

**Fiscal Note:** None

**RECOMMENDATION**

*The City Commission adopt the ordinance, as amended by City staff.*

**Legislative History**

5/12/08 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)

071154\_200805121300.pdf

071154\_AdoptHearing\_116CPA-07PB20081016.pdf

**070447.****LAND USE CHANGE - LANDMAR/PLUM CREEK (B)****Ordinance No. 0-07-119, Petition 28LUC-07PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Plan and Map; changing the land use categories of certain property from the Alachua County land use category of "Rural/Agriculture" and the City of Gainesville land use category of "Agriculture" to the land use categories of "Single-Family (up to 8 units per acre)" and "Conservation", and by overlaying the "Planned Use District" category over certain portions of the property, as more specifically described and shown in this ordinance, consisting of approximately 1754 acres; generally located north of U.S. 441 and Northwest 74th Place lying east and west of SR 121 and CR 231, and south of Northwest 121st Avenue; providing for time limitations; creating and adopting Policy 4.3.4; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: PLANNING & DEVELOPMENT SERVICES  
DEPARTMENT STAFF REPORT*

*On June 9, 2008, the City Commission approved this ordinance for transmittal to the Florida Department of Community Affairs (DCA) for review in accordance with state law. On August 26, 2008, DCA issued its Objections, Recommendation and Comments (ORC) Report to the City (attached as Exhibit "A"). In the ORC Report, DCA objected that the comprehensive plan amendment was not in compliance with various sections of Chapters 163 and 187, Florida Statutes, and with various sections of Rule 9J-5, Florida Administrative Code.*

*Objections by the DCA included: lack of an adopted Public School Facilities Element (by statute this prohibits the City from adopting comprehensive plan amendments, such as this one, that increase residential density); inefficient development pattern that exhibits various indicators of urban sprawl; inadequate provisions for compatibility with adjacent land uses; and insufficiently addressed transportation impacts to State Road 121. Due to the volume and nature of the objections, City staff is unable, at this point, to address the DCA's objections; therefore, staff proposes to develop substantive responses to each objection to be included in the DCA No. 08-2 adoption packet and to revise the ordinance accordingly so that it may be heard at the DCA No. 08-2 adoption hearing. DCA staff, in conversation with the City staff, has*

*indicated this is acceptable for this amendment given the volume and nature of the objections that must be addressed. Therefore, City staff has proposed this course of action in its response to the ORC Report (attached as Exhibit "B"). Staff notes that the DCA No. 08-2 comprehensive plan amendments are tentatively scheduled for adoption hearings by the City Commission in January or February of 2009. This ordinance will be readvertised at that time. In addition, the applicant has agreed to the continuance of the adoption hearing of this ordinance. (See attached correspondence as Exhibit "C").*

#### **BACKGROUND**

*The 1,754-acre subject property is in the northwest portion of Gainesville. All except approximately 460 acres in the southern part of the subject property were annexed into the city on February 12, 2007. The property is north of NW 53rd Avenue, is largely split by State Road 121 (which, south of NW 53rd Avenue, is NW 34th Street). It is bounded to the southwest by NW 13th Street (US 441).*

*Adjacent to the west of the subject property is the Deerhaven Power Plant operated by Gainesville Regional Utilities. Most of the property adjacent to the east and west of the subject property is undeveloped or pine plantation (silviculture). The subject property is currently used for silviculture operations and both the subject property and surrounding areas are rural in character.*

*One of the most noteworthy features of the property is that at least a third of the subject property is wetland, and the fact that it contains both important environmental features and the headwaters for three creek systems/basins.*

*The applicant proposes to establish City land use designations for this recently-annexed property. Those designations would be SF (Single-Family, up to 8 dwelling units per acre), CON (Conservation, up to one dwelling unit per five acres), and PUD (Planned Use District). Currently, these properties carry an Alachua County land use designation of Rural/Agriculture (allowing up to one dwelling unit per five acres).*

*The proposed PUD designation, if approved, will establish the land use for what the applicant proposes to be a future, mixed-use development consisting of up to 100,000 square feet of non-residential uses, of which 80,000 square feet could be retail uses. The PUD designations would apply to approximately 5 percent of the 1,754 acres (approximately 90 acres), and consist of two semi-centrally located clusters flanking SR 121. Approximately 34 percent of the 1,754 acres is proposed for Conservation land use (approximately 600 acres), and approximately 61 percent of the 1,754 acres would be designated Single-Family Residential (approximately 1,070 acres).*

*The applicant has proposed to add a new policy into the Future Land Use Element of the Gainesville Comprehensive Plan that would, within this project area, prohibit the construction of residential units within parcels designated Conservation (the City normally allows up to one single-family residential unit per five acres in the Conservation zoning district). The policy would also*

*require that future development of the parcels designated single-family residential land use could not occur until the parcel is given a Planned Development zoning designation (which requires, among other things, that an ordinance be adopted describing development parameters for the parcel). Finally, the policy would lower the maximum single-family residential density allowed in the project area from 8 dwelling units per acre to 1.5 dwelling units per acre.*

*The applicant proposes to place conservation easements over important environmental features found within the project area to ensure their permanent protection. The location of these easements has not yet been determined. The applicant expects those determinations to be made at the development plan review stage.*

*A maximum of 540 residential dwelling units are proposed for the roughly 90 acres of proposed PUD land use on the subject property. The consultant for the applicant states that another 1,253 single-family residences are projected for the proposed single-family land use on the subject property, for a total of 1,793 residential units for the subject property at build-out. Should the applicant-proposed maximum density of 1.5 dwelling units per acre be adopted for the approximately 1,070 acres of proposed single-family land use on the subject property, the maximum number of single-family residences that can be built would be 1,605 residences (for a total of 2,145 residences), rather than the 1,253 projected by the consultant. Note, however, that the wetness of the subject property will, in all likelihood, result in a build-out of residences closer to the number projected by the consultant rather than the maximum allowable.*

*State Road 121 is the arterial serving the Plum Creek development. Based on the lowest traffic estimates that were provided by the applicant (which subtracts out a substantial number of trips for floodplain/wetlands on the site), the SR 121 road segment can only handle about a quarter of the total trips for the development and meet concurrency. The current capacity of SR 121 is 7,286 average daily trips. The initial traffic study provided by the applicant is estimated (the low estimate) to generate 23,096 average daily trips at build-out. One of the most significant problems with the application for this petition, from the point of view of City staff, is that a full traffic study has not been provided for the land use amendment. The Florida Department of Transportation (FDOT) and Alachua County also had several problems with the information submitted by the applicant for the proposed development, and the impacts that would result.*

*The subject property, before annexation into the city, was designated a Strategic Ecosystem by Alachua County. There are two strategic ecosystems found on the subject property and identified by Alachua County: Buck Bay east of State Road 121 and Hague Flatwoods west of 121. These ecosystems are valuable not because they are pristine, but because they are a major headwaters area within the county.*

*To mitigate the impacts of the school-age population that will be generated by future development of the subject property, the Alachua County School Board*

*has requested that the petitioner work with the school district to: dedicate an appropriate elementary school site (25 acres +/-) within the development; explore innovative techniques for financing/construction of an elementary school; and establish a proportionate share mitigation plan to enhance the middle and high school capacities within the planning sectors.*

*After public notice was published in the Gainesville Sun on August 1, 2007, the Plan Board held a public hearing August 16, 2007, and the Plan Board discussed the petition, heard public comments, expressed serious concerns about environmental issues, traffic, schools, fiscal and sprawl impacts, and recommended that the requested land use changes be denied. On June 9, 2008, the City Commission approved this ordinance on first reading.*

#### *CITY ATTORNEY MEMORANDUM*

*Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing is held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.*

*The proposed amendment to the Comprehensive Plan was transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.*

#### **RECOMMENDATION**

*The City Commission continue the adoption hearing for the ordinance until such time as the City holds the adoption hearing for the DCA No. 08-2 comprehensive plan amendments.*

#### **Legislative History**

9/24/07	City Commission	Continued (Petition) (7 - 0)
11/26/07	City Commission	Continued (Petition) (7 - 0)
12/10/07	City Commission	Approved (Petition), as recommended by staff, as amended (6 - 1)
6/9/08	City Commission	Adopted on First Reading, as amended (Ordinance) (6 - 1)



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**070210.****LAND USE CHANGE - HATCHET CREEK (B)****Ordinance No. 0-07-97, Petition 23LUC-07PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element and Future Land Use Map; by overlaying the "Planned Use District" category over certain property with the underlying land use categories of "Single-Family (up to 8 units per acre)," "Industrial," and "Recreation," as more specifically described in this ordinance, consisting of approximately 498 acres, generally located in the vicinity of Waldo Road on the East, NE 39th Avenue on the South, NE 15th Street on the West, and NE 53rd Avenue on the North; by creating and adopting Policy 4.3.5 in the Future Land Use Element of the Comprehensive Plan; providing time limitations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: PLANNING & DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*On June 16, 2008, the City Commission approved this ordinance for transmittal to the Florida Department of Community Affairs (DCA) for review in accordance with state law. On August 26, 2008, DCA issued its Objections, Recommendation and Comments (ORC) Report to the City (attached as Exhibit "A"). In the ORC Report, DCA objected that the comprehensive plan amendment was not in compliance with Sections 163.3177(1), and (6)(a), Florida Statutes, and with Rule 9J-5.005(2)(g), Florida Administrative Code. The ORC Report states that "The City has proposed policy 4.3.5 to guide development on the Hatchet Creek amendment site (Ordinance 070210). As proposed, Policy 4.3.5.d is self amending. The proposed policy would allow a different version of the Airport Noise Zone Map at the PD zoning stage from that adopted into the Comprehensive Plan through proposed Policy 4.3.5. Land development regulations and development orders are to be consistent with the adopted comprehensive plan. Allowing the PD to control land use and allowing a different version of the Airport Noise Zone map at the PD zoning ordinance stage from that included with the Comprehensive Plan is self-amending and*

*creates potential inconsistency between the PD zoning and the Comprehensive Plan."*

*Planning staff has reviewed this issue with legal staff and has revised Policy 4.3.5.d. to bring the ordinance into compliance with applicable state statutory and administrative code requirements consistent with the DCA's recommendation. The City staff response to the ORC Report is attached as Exhibit "B".*

*On September 26, 2008, City staff received a letter dated September 24, 2008 from the applicant's legal counsel (attached as Exhibit "C") requesting various revisions to the ordinance to be made at the adoption hearing. With respect to the DCA's objection, the applicant is recommending that the City adopt a map that has not been officially approved or adopted by the City, the Gainesville Alachua County Regional Airport Authority (GACRAA), or by the Federal Aviation Administration (FAA). The applicant is also requesting that the City make changes to the ordinance that were neither objected to nor commented upon by DCA in the ORC Report. The requested revisions would make substantive changes to the ordinance without benefit of DCA review and comment. The City Planning staff response to the requested revisions is attached as Exhibit "D".*

*On October 6, 2008, City staff received a letter dated October 6, 2008 from the applicant's attorney, attached as Exhibit "E", requesting "a deferral of the adoption hearing on the Ordinance until the issue of the map is resolved. Further I ask that you agenda the Fowler White issues and the consideration of the 2007 Map adoption as part of the Hatchet Creek PUD Ordinance. Consideration of the 2007 Map adoption would hopefully include some advisement by the Airport Authority of the status of the over one-year Part 150 mapping process, which it authorized in July 2007." The City Attorney's response to this letter is attached as Exhibit "F".*

*In addition, Planning staff notes that this comprehensive plan amendment does not entail an overall increase in residential density when compared to the currently adopted future land use categories. Therefore, the statutory prohibition on adopting comprehensive plan amendments that increase residential density prior to adoption of a Public School Facilities Element and Interlocal Agreement does not apply to this ordinance.*

*On September 20, 2007, September 27, 2007 and October 4, 2007, the Plan Board heard the petition and voted to approve the petition, as recommended by staff, and with further revisions.*

*On October 22, 2007, October 23, 2007, and October 29, 2007, the City Commission heard the petition and, by a vote of 4-3, approved the petition with conditions as recommended by the Plan Board, with further revisions. At the request of the Petitioner, on April 16, 2008, the City Commission again reviewed the approved Petition and, by a vote of 4-3, again approved the Petition, with further revisions.*

*CITY ATTORNEY MEMORANDUM*

*On June 16, 2008, the City Commission approved the ordinance, with revisions, on first reading. On June 23, 2008, at the request of Commissioner Hawkins, the City Commission directed this office provide a legal opinion, at the time this ordinance returns for the adoption hearing, as to whether the City Commission may remove the age restriction for the development. The memorandum prepared by this Office is attached as Exhibit "G".*

*In response to the applicant's request for continuance of the adoption hearing, the City Attorney's Office spoke with DCA Planning and Legal staff to obtain guidance on the issue of continuance. DCA staff stated that the DCA "highly disfavors" extended continuances and recommends that if the local government finds a continuance is necessary and justified that it impose a reasonable and time certain limitation on same. DCA staff cited its concerns that extended delays can result in data and analysis becoming outdated, the plan amendment can become inconsistent with plan amendments adopted in the interim, and that it becomes hard for the public to follow and be involved in the process. By way of example, given the DCA objections to the LandMar Comprehensive Plan amendment (contained in the same DCA transmittal cycle No. 08-01 as Hatchet Creek), including most notably the statutory mandate that the City adopt a Public School Facilities Element before adopting any plan amendments that increase residential density, City staff and the LandMar applicant proposed that the adoption hearing be continued and heard with the adoption of the DCA No. 08-02 amendments (likely January or February 2009). DCA staff indicated this limited and time certain continuance would likely be acceptable and would likely not result in a finding of "not in compliance."*

*In an effort to be responsive to the applicant's request for continuance and in accord with DCA's guidance, City staff was willing to recommend the same time certain continuance of this ordinance as recommended for the LandMar Comprehensive Plan amendment (i.e., continue the adoption hearing until such time as the City holds the adoption hearing for the DCA No. 08-2 comprehensive plan amendments). The City Attorney and Planning and Development Services Director discussed this potential recommendation with Attorney Carpenter and he indicated, on behalf of the applicant, that this would not ensure that the map issue is resolved as requested by the applicant. The applicant's most recent request appears to be that the City either adopt a new map (different from that in the current Airport Hazard Zoning Regulations) as Exhibit B to this PUD ordinance or adopt a new map as an amendment to the Airport Hazard Zoning Regulations. As such, Attorney Carpenter indicated that the applicant would prefer to present its requests and recommendation(s) to the City Commission on October 16.*

*Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.*

*If adopted on first reading, the proposed amendment to the Comprehensive Plan*

*will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.*

*Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.*

**RECOMMENDATION**

*The City Commission adopt the ordinance, as amended by City staff.*

**Legislative History**

10/22/07	City Commission	Continued (Petition) (7 - 0)
10/23/07	City Commission	Continued (Petition) (7 - 0)
10/29/07	City Commission	Approved City Plan Board's Recommendation with Conditions, as amended (4 - 3)
4/16/08	City Commission	Approved, as shown above - See Motion(s)
6/9/08	City Commission	Continued (1st Reading) (7 - 0)
6/16/08	City Commission	Adopted on First Reading, as revised (Ordinance) (6 - 0 - 1 Absent)

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**RESOLUTIONS- ROLL CALL REQUIRED**

**PLAN BOARD PETITIONS**

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

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