

# **City of Gainesville**

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



## **Meeting Agenda**

**November 19, 2007**

**6:00 PM**

**City Hall Auditorium**

## **City Commission**

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

**CALL TO ORDER - 6:10 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. 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****070582.****Fire Hydrant Beautification (B)**

**This item requests that the City Commission refer a citizen recommendation for a fire hydrant beautification program to the Public Safety Committee for review.**

*Explanation: There are over 3,000 fire hydrants within the Gainesville city limits. No program currently exists in either General Government or Gainesville Regional Utilities (GRU) to schedule and maintain beautification of these hydrants. Gainesville Fire Rescue's hydrant maintenance program provides only for scheduling of water flow testing and for painting of the hydrant caps which are color-coded based on the water flow capability. On October 9, 2007 a citizen contacted the Mayor's office in an email and recommended a citizen-based beautification contest. Gainesville Fire Rescue has reviewed the recommendation and acknowledges that there is a need to initiate a dialogue with GRU and the community to develop a sustainable program for hydrant beautification.*

*Fiscal Note: There is no fiscal impact.*

**RECOMMENDATION**

*That the Commission make a referral to the Public Safety Committee to study the need for a fire hydrant beautification program and to review a citizen recommendation for a community-based program.*

*Alternative Recommendation A:  
That the Commission not make a referral to the Public  
Safety Committee.*

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**070605.**

**Annexation of Parcel Number 06800-012-000 (B)**

**This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of SW 24th Street, the vicinity of SW 40th Boulevard, and Interstate 75.**

*Explanation: DCB Properties LC, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of Tax Parcel 06800-009-000, west of SW 42nd Way, north of Tax Parcel 06800-001-003, and east of the vicinity of SW 40th Boulevard. Staff has determined that the petition bears the signature of the property owner or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is less than one acre.*

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

**RECOMMENDATION**

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

*Alternative Recommendation: The City Commission deny acceptance of the petition.*

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**070606.**

**Annexation of Parcel Number 06800-011-000 (B)**

**This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of SW 24th Street, the vicinity of SW 40th Boulevard, and Interstate 75.**

*Explanation: Bullard/Ryals Partnership, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of Tax Parcel 06800-017-000, west of SW 42nd Street, north of Tax Parcel 06800-017-000, and east of SW 42nd Way. Staff has determined that the petition bears the signature of the property owner or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The*

area is less than one acre.

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

**RECOMMENDATION**

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

*Alternative Recommendation: The City Commission deny acceptance of the petition.*

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**070615.**

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

**This item involves receiving \$247,165 in Year 4 funds from the School Board for the City's 21st Century Learning Centers. One 21st Century Learning Center is located at the Eastside Park 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 4.*

*For Year 4, the grant award provides \$247,165 for the City to provide programming for 21st Century Community Learning Centers at two City-owned facilities. 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 Park 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. There were no required matching funds in Years 1*

and 2. In Year 4, the City is required to provide matching funds (cash or in-kind) in the amount of \$168,651. The Gainesville Police Department will provide \$74,074 in match with in-kind services. The Parks and Recreation Department will provide \$94,577 in cash from the City Manager's requested budget for the Parks and Recreation 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.*

**070617.**

**Selection of Symetra Life Insurance Company as the Carrier for the City's Group Health Plan Specific Stop-Loss Insurance (B)**

**This item involves the selection as Symetra Life Ins. Co. to provide the City's Group Health Plan with Specific Stop-Loss Insurance for claims in excess of \$160,000.**

*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, in this case an insurer. 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 that attachment point.*

*The City initiated an RFP last year for this insurance product that allowed for the City to renew with Symetra, as proposed by Gallagher Benefit Services based upon acceptability of cost, coverage, service, provider stability, and market conditions. Symetra has provided the City with its renewal terms. The terms include: increasing the current rate by five percent, maintaining the attachment point to \$160,000 and maintaining the maximum lifetime benefit to*

*\$4.85 million per member. These renewal terms will cover the City's entire exposure on catastrophic claims. With current medical trends reported between seven and nine percent, the Symetra renewal as proposed by Gallagher Benefits Services appears to be in the best interest of the City and its Group Health Plan.*

*The other key component on the Symetra product is the retro-spective premium option. A retro-spective premium acts as a gain/loss sharing program between the insured and the carrier. This option allows the City to pay a lower premium upfront and only requires additional premium (up to the cap) if certain loss ratios are obtained. The City has taken advantage of this arrangement for the last six years and the result of this unique premium option saved the Group Health Plan approximately \$145,000 in premiums compared to the maximum premium. When compared with the next lowest alternative from the previous bid process, the retro-spective premium arrangement will net the Group Health Plan approximately \$300,000. The additional cost of \$300,000 would equate to an additional premium increase in our Health Plan of 1.5 percent.*

*In addition, the City negotiated removal of all commissions from the premiums and agreed to a fixed fee of \$30,000 for the placement and servicing of this policy. The negotiated fee is approximately \$24,000 lower than the commission customarily paid on these products. Gallagher Benefits Services has agreed to continue the fee arrangement as negotiated.*

*Fiscal Note: Funds in the amount of \$400,000 for this insurance have been budgeted in the Employee Health and Accident Benefits (EHAB) Fund and the cost of this coverage is included in the 2007 health insurance rates.*

**RECOMMENDATION**

*The City Commission: 1) authorize the renewal of Symetra Life Insurance Company as the carrier for specific stop loss insurance for plan year 2008; 2) authorize issuance of a purchase order in an amount sufficient to cover applicable charges for specific stop loss to Symetra Life Insurance Company; 3) authorize Gallagher Benefits Services as the agent; and 4) authorize the City Manager or his designee to negotiate and execute the necessary documents required to complete the transaction, subject to approval from the City Attorney as to form and legality.*

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**070618.**

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

**This item involves a request for the City Commission to approve the continuance of Blue Cross Blue Shield of Florida Inc. as the third party administrator and network provider for the City of Gainesville's Self -funded Health Plan.**

*Explanation: Blue Cross and Blue Shield of Florida, Inc., has been the Administrator of the City's self-funded 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. The current year renewal negotiations with Blue Cross Blue Shield will result in a five percent (5%) increase in administrative fees for our Group Health Plan. The increase is consistent with medical insurance trends and it should be noted that this increase follows a year in which the City's claims grew by close to 20%.*

*Blue Cross Blue Shield continues to have the one of the largest networks in our area, and coupled with its nationwide affiliates, provides network coverage throughout the United States and many other countries worldwide. Currently Blue Cross Blue Shield is the provider to many large employers in our area including the State of Florida, Shands, the School Board of Alachua County, Alachua County Board of County Commissioner and HCA. Blue Cross Blue Shield's market presence in Alachua County allows it to negotiate favorable cost of service contracts with the local medical community. These provider contracts result in substantial savings to the City's health plan and our employees. For the twelve months ended May 31, 2007 the savings realized based on billed versus the Blue Cross Blue Shield allowance amounted to over thirteen million dollars. This discount rate was approximately sixty-three percent of the billed amount for services.*

*In addition to the favorable provider contracts, Blue Cross and Blue Shield maintains a local office that employs approximately thirty people. This local office has a specified individual dedicated to provide claims facilitation services to the City and its employees. This local presence allows employees to have face to face contact with a Blue Cross representative that has knowledge of our local providers and removes some of the depersonalization associated with a 1-800 number.*

*The Risk Management Staff is currently assembling a team of employees to look at our health benefit and in conjunction with the benefits survey, make recommendations for changes and/or improvements in the benefit. One of the primary focuses will be on looking at other provider networks and the potential impact to our claims and premiums.*

*Based on satisfactory past performance, the staff recommends that the City Commission authorizes continuance of the Blue Cross and Blue Shield Administrative Services Contract for the City's self-funded Group Health Plan for the 2008 plan year. The City Commission is requested to approve issuance of an annual purchase order in an amount sufficient to cover applicable charges for the administrative services to Blue Cross and Blue Shield of Florida, Inc.*

*Fiscal Note: Funds of approximately \$1,800,000 have been budgeted in the Employee Health and Accident Benefits (EHAB) Fund.*

**RECOMMENDATION**

*The City Commission: 1) authorize continuing the Administrative Services Contract between the City of Gainesville and Blue Cross and Blue Shield of Florida,*

*Inc. for one (1) additional year; 2) authorize 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) authorize the City Manager or her designee to negotiate and execute the extension to the Administrative Services Contract, subject to approval from the City Attorney as to form and legality.*

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**070623.**

**Special Assessment for Fire Services (B)**

**This item requests that the City Commission authorize the City Manager to enter into a contract with Government Services Group, Inc. to develop and implement a Special Assessment for Fire Services.**

*Explanation: In October 2004, Emergency Services Consulting, Inc. completed the Alachua County, Florida Fire/EMS Services Master Plan which was formally adopted on February 2, 2006 by the Alachua County Board of County Commissioners. The plan recommended a funding strategy based on costs to maintain system preparedness for the population and properties being protected rather than on call response totals which can be unpredictable. Currently, all funds to provide fire rescue services are gathered through ad valorem taxes. In accordance with the County's competitive selection process, the Board of County Commissioners approved the award of RFP #06-311 to Government Services Group Inc. (GSG) at their meeting on September 12, 2006 and authorized staff to negotiate a contract.*

*On October 22, 2007, the City Commission heard a presentation from staff and representatives of GSG for the development and implementation of a Special Assessment for Fire Services for the City of Gainesville. At the conclusion of their presentation, the City Commission authorized staff to negotiate a contract with GSG for this work. In their proposal to the City Manager dated October 26, 2007, GSG has offered the same scope of services and hourly rate of \$150 per hour as provided for in the Alachua County RFP #06-311. The Purchasing office has obtained a copy of the Request for Proposal and their contract from Alachua County and confirmed the hourly rate and scope of services. The anticipated cost for this work is within a range of \$80,000 to \$88,000.*

*Fiscal Note: A budget of \$100,000 has been established for the study.*

**RECOMMENDATION**

*That the Commission authorize the City Manager to execute a contract with Government Services Group, Inc. to develop and implement a Special Assessment for Fire Services, subject to approval by the City Attorney as to form and legality.*

*Alternative Recommendation A:  
That the Commission not authorize the City Manager to execute the contract.*



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**070626.**

**Parking Enforcement Program by the Public Works Department (NB)**

**This item involves a request to direct the City Attorney to draft and the Clerk of Commission to advertise an ordinance to allow certain Public Works Department employees to perform parking enforcement duties.**

*Explanation: On October 1, 2007, certain parking enforcement duties were transferred to the Public Works Department. Currently, City Code Of Ordinances, Chapter 26, Article III, Section 26.46.(d) only provides for any law enforcement officer, police service technician, or traffic enforcement technician to enforce the provisions of Chapter 26 as relates to parking violations. This section must be amended in order for Public Works Parking Operations personnel to enforce the provisions.*

*Currently, Florida Statute 316.640(3)(c)1. provides for any properly trained personnel to enforce parking provisions. The Public Works Department currently has a certified trainer on staff to satisfy the requirement.*

*Fiscal Note: Funding in the amount of \$133,437 for the costs of the Parking Enforcement program is budgeted in the Public Works Fiscal Year 2008 operating budget.*

**RECOMMENDATION**

*The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise a revision to ordinance allowing certain Public Works Department employees to enforce the provisions of Chapter 26 of the City Code of Ordinances.*

**070627.**

**Parking Garage Violations (NB)**

**This item involves a request to direct the City Attorney to draft, and the Clerk of Commission to advertise, an ordinance to make it a violation to exit the parking garage without paying fees; to damage the City parking garage facilities; and establish a fine of \$75 for these violations.**

*Explanation: The Public Works Department operates the Southwest Downtown Parking Garage. This facility utilizes an automated fee collection facility. In order to leave the facility properly, the customer must pay the appropriate fees and receive a validated ticket. The validated ticket is then used at the exit gate to demonstrate that the customer has paid and allow the customer to exit.*

*Approximately 1-4 times per week, a customer decides to leave the facility without paying the fee by pulling up to the exit gate and breaking the gate open with the front of their vehicle. This damage allows other vehicles to leave without paying. The gates cost approximately \$600 each. Depending on the extent of damage, staff may be able to repair, but in some instances the gates*

have to be replaced.

*Fiscal Note: The costs associated with this violation are currently incurred in the Public Works Department's operating budget. Staff estimates approximately \$2,000 has been incurred in repair costs in the last six (6) months. The lost revenue from failure to pay the parking fee is estimated to be several thousands of dollars. If the fine of \$75 is imposed, staff estimates the revenue will be approximately \$10,000.*

**RECOMMENDATION**

*The City Commission direct the City Attorney to draft, and the Clerk of Commission to advertise, an ordinance to make it a violation to exit the parking garage without paying fees; to damage the City parking garage facilities; and establish a fine of \$75 for these violations.*

**070659.**

**Annexation of Parcel Number 06810-000-000 (B)**

**This is the submission of petition for voluntary annexation for the above referenced parcel numbers which are located in the vicinity of SW 24th Avenue, SW 34th Street, and Windmeadows Boulevard.**

*Explanation: Windmeadows Funding Company, Inc. (aka Windmeadows Apartments, LLC), property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of the vicinity of SW 24th Avenue, west of SW 34th Street, north of Windmeadows Boulevard, and east of the vicinity of SW 42nd Street. Staff has determined that the petition bears the signature of the property owner or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is approximately 22.5 acres.*

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

**RECOMMENDATION**

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

*Alternative Recommendation: The City Commission deny acceptance of the petition.*

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

**070647.****Executive Search Services - General Manager (NB)**

**Staff recommends approving a change order to the contract with Mycoff, Fry & Prouse LLC for executive search services for the General Manager position.**

*Explanation: The City Commission awarded a contract for executive staff search services to Mycoff, Fry & Prouse, LLC (MF&P) on July 24, 2006 to assist in the selection process for the General Manager position. Since the first selection process did not result in a hire from the original pool of applicants and a new search is underway, additional funds will be required to cover additional reimbursable expenses for the consultant and applicants.*

*Under the direction of the City Commission, approximately five (5) individuals will be interviewed by the City Commission in the first round of interviews in December 2007. After narrowing the search, some candidates may be subject to additional interviews by the City Commission in early 2008. The projected cost for travel and incidental expenses for the consultant and candidates will likely exceed the established threshold previously approved by the City Commission. The City originally intended to pay the candidates directly for their expenses, but it was determined that it would be more cost effective and expedient for the consultant to pay the candidates' expenses with the City reimbursing the consultant based on actual charges. Staff estimates that the additional reimbursable expenses for the consultant and candidates will not exceed \$15,000; however, should the City Commission direct the consultant or management to incur additional expenses during the process of selecting a General Manager beyond the authorized amount, management requests authorization to incur those costs without seeking additional City Commission approval.*

*Fiscal Note: Funds for the travel expenses of the consultant and candidates for the General Manager for Utilities selection process are available in the GRU budget.*

**RECOMMENDATION**

*The City Commission authorize the General Manager, or her designee, to execute a change to the purchase order to Mycoff, Fry & Prouse, LLC, (formerly Mycoff & Associates) for executive search services for the General Manager position in an amount not to exceed \$15,000 (new not to exceed amount \$75,000).*

**070648.****Executive Search Services - AGM for Energy Supply (NB)**

**Staff recommends approval of a contract with Mycoff, Fry & Prouse LLC to conduct an executive search for the Assistant General Manager – Energy Supply position.**

*Explanation: Mycoff, Fry & Prouse, LLC (MF&P), an executive recruitment firm and industry expert for the electric, natural gas, and water industries, was selected*

by the City Commission in 2006 to perform executive search services on behalf of the City for the General Manager position following a competitive solicitation (Request for Proposals). At that time, MF&P was awarded the contract after competing with two other finalists. In addition, MF&P was also competitively selected and successfully conducted executive searches for the positions of Assistant General Manager-Energy Supply, Chief Financial Officer, and the General Manager for Utilities search, which is on-going at this time.

Staff believes MF&P is uniquely qualified to conduct the search for the now vacant Assistant General Manager-Energy Supply position based on their experience with the Utility and current project with the City for the General Manager search. MF&P has agreed to maintain the same fee scale for this search as for the General Manager search. The fee is 28% of the annual agreed upon salary of the selected candidate, with a minimum fee of \$35,000 to a maximum of \$50,000. In addition, MF&P will be reimbursed for reasonable and customary expenses associated with the search in an amount not to exceed \$15,000. Such expenses will include, but not be limited to, travel expenses for MF&P associates to conduct personal interviews with candidates and to attend interviews or additional meetings as requested by the Utility, recruitment advertising expenses and travel expenses for the candidates. These expenses include a 10% mark-up for handling and carrying costs.

*Fiscal Note:* Funds for these services are available in the GRU budget.

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager, or her designee, to negotiate a contract with Mycoff, Fry & Prouse, LLC, a specified source, for executive search services for the Assistant General Manager for Energy Supply, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Mycoff, Fry & Prouse, LLC in an amount not to exceed \$65,000.*

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**070601.**

**CSX INDEMNIFICATION AGREEMENT (B)**

**This is a request for authorization to enter into an Environmental Indemnification Agreement with CSX Transportation, Inc. in conjunction with the 6th Street Rail Trail Project.**

*Explanation: STAFF REPORT*

*Acquisition of the property for the 6th Street Rail-Trail project is being managed by the State of Florida, through the Department of Environmental Protection - Office of Greenways and Trails (OGT). OGT is negotiating with the Trust for Public Lands (TPL) and CSX Transportation, Inc. (CSX) for the purchase of a section of abandoned railroad right-of-way for the 6th Street Rail*

*Trail. The right-of-way generally starts at the northern terminus of the Downtown Connector Rail Trail (just west of Southeast 4th street) and runs northerly up to the south right-of-way line of Northwest 16th Avenue. Once TPL acquires the property from CSX, TPL will then convey the property to the State of Florida. The City intends to enter into a Management Agreement with the State to improve and maintain the premises for use as a recreational trail.*

*Due to the discovery of contamination on the property, Water & Air Research, Inc. performed environmental testing on the ground water and soil to determine if the concentration of contaminants exceeded allowable limits. Testing revealed low level petroleum and arsenic contamination; however, according to the consultant, the petroleum compounds do not represent a hazard to construction workers or trail users when their activities are limited to the ground surface, as they are in this case. This opinion is based on data associated with the concentration of the petroleum compounds as well as their depth below the ground surface. Excessive concentrations of arsenic have been found and mapped along the proposed trail and, in some instances, on adjacent properties. Containment techniques such as paving, sod, landscape and mulch are being recommended as appropriate measures for the trail designer to incorporate during the design phase of the project.*

#### **CITY ATTORNEY MEMORANDUM**

*The Agreement with CSX requires the City to remediate the premises according to FDEP standards prior to the use of the trail for its intended purpose. To this end, CSX is providing funding in the amount of \$184,700 for the purposes of remediation of both onsite and offsite contamination, with any balance remaining to be used for the improvement and maintenance of the premises.*

*The Agreement also requires an indemnification of CSX by the City of Gainesville. In July 2006 the City Commission adopted a general policy, by resolution, which prohibits the indemnification of other parties except under certain specific circumstances. The policy can be waived based on the availability of goods and services from other sources, the City's need/desire for the goods or services, and the probability of a loss occurring. The indemnification in this Agreement is limited to the known contamination (that specifically identified in the environmental reports listed) and is limited to a maximum sum of \$200,000 for all claims arising out of a single incident and a maximum amount of \$100,000 for any one claim.*

#### **RECOMMENDATION**

*The City Commission approve the Environmental Indemnification Agreement and authorize the City Manager to execute the Agreement, subject to approval by the City Attorney as to form and legality.*

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#### **070640.**

#### **ADDITION OF PRECINCT TO ELECTION DISTRICT NO. 3 (NB)**

*Explanation: As a result of recent annexations, Section 9-1.1 of the Code of Ordinances needs*

to be amended to add Precinct 48 to Election District No. 3. This Office has consulted with the Supervisor of Elections who concurs with this recommendation.

**RECOMMENDATION**

Authorize the City Attorney to draft, and the Clerk of the Commission to advertise, an ordinance adding Precinct 48 to Election District No. 3

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**070641.****AD VALOREM TAX EXEMPTIONS FOR HISTORIC PROPERTIES  
(NB)**

*Explanation:* Section 25-61 of the Code of Ordinances renders certain improvements made to properties located within the City's Historic Districts eligible for exemption from ad valorem taxation. The property owner must enter into a Covenant with the City of Gainesville for required maintenance and upkeep of the property. This exemption would continue for a period of ten years. The Historic Preservation Board approved the applications for ad valorem tax exemption on October 16, 2007. The ordinances would authorize the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Covenant and would grant the exemption to properties located at 105 SE 7th St., 205 SE 7th St., 725 NE 1st St., and 303 NE 8th Ave.

**RECOMMENDATION**

Authorize the City Attorney to draft, and the Clerk of the Commission to advertise, four ordinances exempting certain improvements made to historic properties from ad valorem taxation.

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****070630.****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of October 22, 2007 (Regular Meeting); October 23, 2007 (Special Meeting); October 29, 2007 (2 Special Meetings); and November 5, 2007 (Special Meeting); as circulated.

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**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,  
CONSENT****PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****PUBLIC SAFETY COMMITTEE, CONSENT****070510.****Trespass Towing Referral (B)**

*Explanation: At the September 24, 2007 City Commission Meeting the City Commission referred the following issues to the Public Safety Committee for further analysis: 1) requiring that someone be on-site to call in a trespass tow; 2) consider changing the rate by the distance of the tow; and 3) explore the idea that if the tow companies don't meet the stipulations of the "Customer Bill Of Rights", the customer could receive a free tow.*

*The Public Safety Committee met on October 17, 2007 and discussed this referral. Members of the towing industry were present and participated in the discussion along with staff. The Committee made the following recommendations:*

*Issue 1): requiring that someone be on-site to call in a trespass tow. The elimination of roam towing is an option available to the City, but the Committee does not believe active consideration is warranted at this time. The matter can be considered again at a later date should circumstances warrant. Should that occur, all stake holders, especially the property owners, can be invited to participate;*

*Issue 2) The Committee does not consider changing the rate by the distance of the tow feasible at this time; and*

*Issue 3) The Committee deemed the Customer Bill of Rights ready to move forward for distribution by the Gainesville Police Department after necessary amendments to the ordinance. These amendments will require posting the Customer Bill of Rights and require that pictures taken pursuant to the ordinance be made available to the owner/custodian of the vehicle being towed. There are remedies currently available for violation of the provisions included in the Bill of Rights (citation for ordinance violation, which could lead to suspension of ability to do trespass tow, and civil court remedies). Therefore, receiving a "free tow" for not complying with those provisions was not considered.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) review the Public Safety Committee recommendations; 2) approve the City Attorney's Office to modify the ordinance to accommodate the changes; and 3) remove this referral*



*from the Public Safety Committee referral list.*

**Legislative History**

9/24/07      City Commission      Referred (7 - 0)      Public Safety Committee  
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**070511.**

**Towing - Felony Convictions Referral (NB)**

*Explanation: At the September 24, 2007 City Commission Meeting the Commission referred the issue of Towing - Felony Conviction issues to the Public Safety Committee for further discussion.*

*The Committee was to clarify at their October 17, 2007 meeting that the wording in the Roam Towing Regulations Ordinance and the Vehicle for Hire Ordinance contained the same felony requirements and restrictions. Senior Assistant City Attorney Ron Combs confirmed to the Committee that the wording was the same in both ordinances.*

*Fiscal Note: None*

**RECOMMENDATION**

*Then City Commission receive the clarification on the felony requirements and restrictions from the Public Safety Committee; and 2) remove this referral from the Public Safety Committee referral list.*

**Legislative History**

9/24/07      City Commission      Referred (7 - 0)      Public Safety Committee

**070566.**

**Federal LECFTF Funding for Special Investigations Division - Office furniture for Gainesville Police Department Special Investigations Division personnel assigned to the Gainesville Police Department - Alachua County Sheriff's Office Combined Drug Task Force (NB)**

*Explanation: The requested office furniture will be utilized by Gainesville Police Department personnel assigned to the Gainesville Police Department - Alachua County Sheriff's Office Combined Drug Task Force. This task force is a new initiative established by the Chief of Police and Alachua County Sheriff. The expenditure request for all new office furniture is not to exceed \$29,000. This request was discussed and approved at the October 17, 2007 Public Safety Committee Meeting.*

*Fiscal Note: Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. ( ) 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies".*

**RECOMMENDATION**

*The City Commission approve the appropriation of an amount not to exceed \$29,000 from the Federal Law*



*Enforcement Contraband Forfeiture Trust Fund for the  
Gainesville Police Department Special Investigations  
Division for utilization for furniture for Gainesville  
Police Department Personnel assigned to the  
Gainesville Police Department - Alachua County  
Sheriff's Office Combined Drug Task Force.*

## **AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**

## **EQUAL OPPORTUNITY COMMITTEE, CONSENT**

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

### **070224.**

### **Waldo Road Corridor Preliminary Blight Findings Report (B)**

*Explanation: In June 2007, Asset Property Disposition, Inc. was commissioned by Mr. Robert Simensky, developer of the proposed Hatchet Creek Planned Unit Development next to the Gainesville Regional Airport, to conduct a Preliminary Blight Findings Report for the Waldo Road Corridor, inclusive of the project site, as part of the developer's request to expand the Eastside Community Redevelopment District. Staff provided information requested by APD, Inc. for the study, but has yet to review the information contained in the report. No other staff support or consultation occurred. Jessie Wiles of Asset Property Disposition Inc. presented the Preliminary Blight Report to the Community Redevelopment Agency on July 16, 2007. It was suggested that the matter be referred to the City Commission.*

*Fiscal Note: None at this time*

#### **RECOMMENDATION**

*CRA to the City Commission: City Commission refer this matter to Planning and Development Services Staff for review and recommendations.*

#### **Legislative History**

7/16/07	Community Redevelopment Agency	Approved as shown above (See Motion) (5 - 0 - 2 Absent)
9/17/07	Community Redevelopment Agency	Approved as Recommended (6 - 0 - 1 Absent)

070224\_20070716\_Waldo Road Draft Blight Findings 7.02.07.pdf  
070224\_200711191300.pdf

## **END OF CONSENT AGENDA**

## **ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION**

*Clerk's Note: It is anticipated that the City Commission will waive its Rules to hear the proclamations at this time.*

**CITY MANAGER****070660.****Towing Fee Request (B)**

*Explanation: On September 28, 2007 the City Manager received a written request from Watson's Towing requesting a price increase for towing illegally parked vehicles. The request was based on additional requirements as a result of recent towing regulations approved by the Gainesville City Commission as well as increases in the cost of living, including the cost of fuel. The current maximum trespass towing fee is \$76.00.*

*Pursuant to City of Gainesville Ordinance Sec. 14.5-27, the City Commission has the sole authority of establishing tow rates. In accordance with the Ordinance, Watson's Towing submitted a request for a price increase prior to September 30, 2007 as well as financial information as to their costs for the removal of vehicles and other pertinent information.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission 1) consider the request by Watson's Towing to increase the allowable price for towing illegally parked vehicles; 2) determine an appropriate increase in price; and 3) direct staff to draft a Resolution to set the price increase to be approved by the City Commission no later than December 31, 2007.*

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**GENERAL MANAGER FOR UTILITIES****CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)**

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****EQUAL OPPORTUNITY COMMITTEE****060013.****Definition of Employer Based on the Number of Employees in Equal Opportunity Ordinance (B)**

*Explanation: The City Commission referred the issue of the threshold within the City's Equal Opportunity Ordinance for the definition of employer based on the number of employees. The EO Committee discussed the various thresholds utilized by other Human Rights agencies including the EEOC and the FCHR and the potential impact of lowering it.*

*Fiscal Note: None*

**RECOMMENDATION**

*1) The Equal Opportunity Committee request approval from the City Commission to authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance changing the threshold for the definition of "employer" based on the number of employees from seven (7) to five (5) employees; and 2) remove this item from the referral list.*

**Legislative History**

5/1/06	City Commission	Referred (7 - 0)	Equal Opportunity Committee
6/5/06	Equal Opportunity Committee	Deferred	
7/20/06	Equal Opportunity Committee	Deferred	
10/10/06	Equal Opportunity Committee	Deferred	
1/18/07	Equal Opportunity Committee	Discussed	
3/14/07	Equal Opportunity Committee	Discussed	
6/26/07	Equal Opportunity Committee	Continued	
7/25/07	Equal Opportunity Committee	Continued	
8/15/07	Equal Opportunity Committee	Deferred	
10/10/07	Equal Opportunity Committee	Approved as Recommended	

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**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE****PROCLAMATIONS/SPECIAL RECOGNITIONS****070654.****National Family Week - November 18-24, 2007 (B)****RECOMMENDATION**

*Partnership for Strong Families Resource Development Specialist Dana Bobb to accept the proclamation.*

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**070655.****Prematurity Awareness Month - November 2007 (B)****RECOMMENDATION**

*March of Dimes coordinator Betsy Trent to accept the proclamation.*

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**070656.****Modern Shoe Repair Shop Month - December 2007 (B)****RECOMMENDATION**

*Modern Shoe Repair Shop owners Ron and June Balsamo and long-time employee Amos Lewis to accept the proclamation.*

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**CITIZEN COMMENT**

**PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****070672.****URBAN MIXED-USE 1 AND URBAN MIXED-USE 2 ZONING DISTRICTS (B)****Ordinance No. 0-06-120; Petition 141TCH-06PB**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, relating to the establishment of zoning districts and categories and to the correspondence of zoning districts with future land use categories; amending section 30-41, to add the Urban Mixed-Use 1 and Urban Mixed-Use 2 districts; amending section 30-46 to provide corresponding zoning districts and future land use categories that conform to the City of Gainesville 2000-2010 Comprehensive Plan; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT*

*On November 28, 2005, the City Commission approved Ordinances 041057 and 041058, adding two new land use categories and zoning districts, Urban Mixed-Use (UMU-1) and Urban Mixed-Use 2 (UMU-2) to the City of Gainesville 2000-2010 Comprehensive Plan and the City of Gainesville Land Development Code. Implementing these new Urban Mixed-Use land use categories (UMU-1 and UMU-2) requires that these land use categories and zoning districts be listed in the City of Gainesville Land Development Code. Zoning districts have been assigned to the two land use categories based on whether the objectives of the land use categories are compatible with the zoning districts and whether the assigned districts help implement the two land use categories. Other changes are being made to Section 30-46 to make the Land Development Code provisions consistent with the Comprehensive Plan.*

*Public notice was published in the Gainesville Sun on September 5, 2006. The Plan Board held a public hearing September 21, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board, by a vote of 4-0, recommended that the City Commission approve Petition 141TCH-06 PB.*

**CITY ATTORNEY MEMORANDUM**

*Upon approval by the Plan Board on September 21, 2006, the Community Development Department requested the Office of the City Attorney prepare the necessary ordinance. Because this ordinance was contingent upon the passage and state review of an amendment to the Comprehensive Plan to add the UMU-1 and UMU-2 land use categories and zoning districts to the Comprehensive Plan (Petition 140CPA-06PB, which was approved on second*

*reading on October 22, 2007), the preparation of this ordinance was delayed.*

*This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, November 26, 2007.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission (1) approve Petition 141TCH-06PB; and (2) adopt the proposed ordinance.*

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**070215.**

**VOLUNTARY ANNEXATION - TOWNHOMES AT WESTWOOD, L.L.C. & T. LANE PROPERTIES (B)**

**Ordinance No. 0-07-76**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of Tax Parcels 06687-000-000, 06687-003-000, 06687-004-000, 06687-005-000, 06687-006-000, 06687-007-000, and 06686-000-000, as more specifically described in this ordinance, generally located south of the vicinity of SW 20th Avenue, west of SW 43rd Street, north of SW 24th Avenue, and east of the City limits and the vicinity of Interstate 75; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, June 25, 2007 and July 23, 2007, at a regular City Commission meeting, the City Commission received and accepted petitions for annexation, and determined that the petitions bore the signatures of the owners of the property that is the subject of this annexation. On August 13, 2007 and August 27, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.*

*On October 22, 2007, the City Commission adopted Ordinance No. 070448, correcting a scrivener's error in Ordinance No. 070130 relating to the Urban Services Report for properties owned by Townhomes at Westwood, LLC and T. Lane Properties, by inserting tax parcel number 06687-004-000 in the title of the ordinance and adding the same parcel number to Section 1 of the ordinance.*

**ANNEXATION ORDINANCE**

*The annexation ordinance proposes to annex a contiguous, compact,*

*unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.*

*In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be November 26, 2007. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.*

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

**Legislative History**

7/23/07              City Commission              Approved as Recommended (5 - 0 - 2 Absent)

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**070457.**

**VOLUNTARY ANNEXATION - CITY-OWNED PROPERTY -  
ADJACENT TO LAKE KANAPAH (B)**

**Ordinance No. 0-07-84**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of City-owned Tax Parcels 06909-001-001, 06909-001-002, 06909-001-003, 06909-001-004, 06909-001-005, and 06909-001-006, as more specifically described in this ordinance, generally located south of the City Limits and Tax Parcel 06909-000-000, west of Tax Parcels 06911-025-000 and 06911-026-000, north of SW 46th Place and east of Tax Parcel 06909-002-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, June 11, 2007, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signatures of the Mayor and Clerk of the Commission, on behalf of the City, which owns the property that is the subject of this annexation. On August 27, 2007 and September 10, 2007, 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 City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be November 26, 2007. 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.*

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#### 070458.

#### **VOLUNTARY ANNEXATION - PROPERTIES OWNED BY GAIN DEVELOP INDUSTRIAL, L.L.C., AND THE CITY OF GAINESVILLE LOCATED IN THE VICINITY OF THE AIRPORT INDUSTRIAL PARK AND NE WALDO ROAD (B)**

##### **Ordinance No. 0-07-85**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of Tax Parcels 07872-003-001, 07872-014-002, 07872-014-003, and 07872-009-000, as more specifically described in this ordinance, generally located south of the vicinity of NE 63rd Avenue, west of the vicinity of L. Brown Solid Waste Transfer Station, north of the City Limits and the vicinity of NE 54th Place, and east of NE Waldo Road; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, June 25, 2007, at a regular City Commission meeting, the City*



*Commission received and accepted petitions for annexation, and determined that the petitions bore the signatures of the owners of the property that is the subject of this annexation. On August 27, 2007 and September 10, 2007, 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 City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be November 26, 2007. 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.*

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### **070333.**

#### **URBAN SERVICES REPORT - BUTLER PLAZA (B)**

##### **Ordinance No. 0-07-78**

**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 generally located south of the vicinity of SW 20th Avenue, west of SW 34th Street and the City limits, north of SW Archer Road and the City limits, and east of the vicinity of Interstate 75; 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 non-emergency ordinance a report setting forth plans to provide urban services to any reserve area to be annexed prior to commencing the annexation procedures under the Act.*

*The report must generally include the following information:*

*1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer*

*interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;*

*2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;*

*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.*

*A great majority of the property is privately owned and the owners have requested voluntary annexation. Three parcels are owned by the City and it is common practice for the City to annex city-owned property once it meets the requirements for annexation.*

*If adopted on first reading, this ordinance shall be heard on second reading on November 26, 2007. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners and provided to the owners of the real property affected by this ordinance.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

8/27/07 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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070414.**URBAN SERVICES REPORT - PRAIRIE VIEW TRUST (B)****Ordinance No. 0-07-86**

**An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcel 07240-000-000, generally located south of the vicinity of Archer Road and Interstate 75, west of Interstate 75, north of Williston Road, and east of SW 62nd Avenue and the vicinity of SW 63rd Boulevard; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.**

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

*The report must generally include the following information:*

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

*2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;*

*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 26, 2007. 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.*

**Legislative History**

9/10/07 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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

**070116.**

### **VOLUNTARY ANNEXATION - BARNES AND OLIVE BRANCH HOME BUYERS (B)**

**Ordinance No. 0-07-73**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of Tax Parcels 06684-000-000, 06828-000-000, 06820-000-000, 06830-000-000, and 06832-000-000, as more specifically described in this ordinance, generally located in the vicinity of SW 20th Avenue, west of the vicinity of Interstate 75, north of the vicinity of SW Archer Road, and east of Kanapaha Lake, also identified as Tax Parcel 06836-004-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, June 11, 2007, at a regular City Commission meeting, the City Commission received and accepted petitions for annexation, and determined that the petitions bore the signatures of the owners of the property that is the subject of this annexation. On July 23, 2007 and August 13, 2007, 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 City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be November 19, 2007. 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 hear the request of the owner to withdraw her voluntary petition for voluntary annexation, and either: 1) Adopt the ordinance; or 2) continue second reading of the ordinance; or 3) accept the request of the owner and strike the ordinance from the agenda.*

#### **Legislative History**

6/11/07	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
10/22/07	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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070116\_200710221300.pdf  
070116B\_200712101300.pdf  
070116A\_200712101300.pdf

## **RESOLUTIONS- ROLL CALL REQUIRED**

### **070662.**

**Resolution for a Joint Participation Agreement - Florida Department of Transportation (FDOT) for Traffic Management System Construction and Implementation Funds (B)**

**This item involves a request for adoption of a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) to accept the allocation for Traffic Management System Construction of \$9,099,218.00 from the Transportation Regional Incentive Program (TRIP) for FY 2007 - 2010.**

*Explanation: FDOT allocates TRIP Funding for regional transportation projects. The City of Gainesville operates and maintains the traffic signal system serving the*

*Gainesville urbanized area as well as all traffic signals in Alachua County via inter-local agreements. The City of Gainesville was designated as the lead agency for the construction and implementation of the Traffic Management System.*

*Fiscal Note: The Operating Assistance Joint Participation Agreement requires a 50% match. Funds in the amount of \$9,099,218.00 for this match are available within the Public Works FY 2007 operating budget.*

**RECOMMENDATION**

*Recommended Motion: The City Commission adopt the Resolution authorizing the City Manager to execute a Joint Participaton Agreement between the City of Gainesville and the FDOT to accept the allocation for Traffic Managment System Construction of \$9,099,218.00 from the TRIP for FY 2007-2010, subject to approval by the City Attorney as to form and legality.*

*Alternative Recommendation: The City Commission reject the motion to adopt the Resolution authorizing the execution of the Joint Participation Agreement for Traffic Management System Construction and Implementation Funds. The resulting fiscal impact is the loss of the FDOT TRIP Funds allocation of \$9,099,218.00 for FY 2007-2010.*

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## PLAN BOARD PETITIONS

**070620.**

**Petition 73LUC-07 PB. Causseaux, Hewett & Walpole, Inc., agent for First Gainesville and Shady Nook Limited. (B)**

**Amend the City of Gainesville 2000-2010 Future Land Use Map from RM (Residential Medium-Density, 8 to 30 units per acre) to MUL (Mixed-Use Low-Intensity, 8-30 units per acre). Located in the 3600 block, east side of Southwest 34th Street. Related to Petition 74PDV-07 PB.**

*Explanation: This petition is a small-scale land use amendment to change the Future Land Use category from Residential Medium-Density (8-30 units per acre) to Mixed-Use Low-Intensity (8-30 units per acre) for two vacant parcels in the southwest portion of the city (see Map 1). The parcels are approximately 8.35 acres in size. The subject properties are located on the east side of SW 34th Street, just north of SW 37th Boulevard, and they are within the Idylwild/Serenola Special Area.*

*The purpose of the proposed land use is to enable the applicant to construct a mixed use facility that provides a transitional use between SW 34th Street and the existing residential neighborhoods and for neighborhood scaled*

*nonresidential uses. Project design will be sensitive to the environmental amenities on site. The applicant proposes a total of 122 residential units in the associated PD rezoning.*

*The housing in this area is predominantly student-oriented due to the proximity to the University of Florida campus and Shands Hospital (Medical Center). Most units within this area are either apartment complexes or condominiums. There is no single-family land use designated near these parcels.*

*This petition is submitted concurrently with a Planned Development (PD) rezoning application (see Petition 74PDV-07PB) that proposes a mixed-use development containing multi-family residential and non-residential uses on the property. The existing zoning on these parcels is RMF-8 (Multiple-family medium density residential, 8-30 du/acre).*

*Parcels to the north and west of this property have the Commercial land use designation and are already developed, and one parcel is in the Residential Medium Density (RM) category. To the south and east, the parcels are in the Residential Medium Density land use category and are developed as multi-family complexes. The property is also located near the Archer Road activity center area, which supplies both shopping and employment opportunities. Significant redevelopment and infill development activities are occurring in proximity to the subject parcels.*

*SW 34th Street, which abuts the parcels, is a major 6-lane arterial also known as State Road 121. There are sidewalks on both sides of the street, and two transit routes service this area (Routes 12 and 35). The property is located in Zone C of the City's Transportation Concurrency Exception Area (TCEA) and when development occurs on the parcels, the developer will be required to mitigate the impact of the associated trips by meeting Concurrency Management Element Policy 1.1.5 and 1.1.7 standards.*

*The proposed land use change would create a live/work/shop type of environment for the development associated with the PD rezoning. The two subject parcels also connect internally via a driveway system with Homestead Apartments containing 252 units. Immediately south of the site, Aspen Ridge Apartments contains 120 units. All of these residents will be able to walk or bicycle to the proposed non-residential portion of the development. The requested Mixed Use Low Intensity land use will permit residential densities with a maximum of 30 residential units/acre, which is similar to the existing surrounding multi-family development. The Mixed Use land use will also allow non-residential uses such as commercial and office.*

*The Plan Board discussed the petition and recommended that the requested land use change be approved.*

*Public notice was published in the Gainesville Sun on October 3, 2007. The Plan Board held a public hearing on October 18, 2007.*

**Fiscal Note:** *None.*

**RECOMMENDATION**

*City Plan Board to City Commission: The City Commission approve Petition 73LUC-07 PB. Plan Board vote 6-0.*

*Staff to City Commission: Approve Petition 73LUC-07.*

*Staff to the Plan Board: Approve Petition 73LUC-07PB.*

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**070621.****Mallory Square Planned Development Rezoning (B)**

**Petition 74PDV-07PB. Causseaux, Hewett & Walpole, Inc., agent for First Gainesville and Shady Nook Limited. Rezone property from RMF-8 (Multiple-family medium density residential districts, 8-30 du/acre) to PD (Planned Development) district for construction of a mixed-use development with an associated PD layout plan. Located in the 3600 block, east side of Southwest 34th Street.**

*Explanation: This petition proposes a Planned Development (PD) zoning for two parcels on the east side of SW 34th Street in the 3600 block in order to allow for a mixed-use development consisting of residential and non-residential uses. The zoning change is necessary because the current RMF-8 zoning does not allow for the types of non-residential uses being proposed in the PD.*

*Petition 73LUC-07PB, which is a small-scale Future Land Use Map amendment from RM (Residential medium) to MUL (Mixed use Low Intensity (8-30 units per acre)) is related to this petition. The related land use amendment is required for consistency with the PD proposal and to allow for the types of proposed non-residential uses at the site.*

*The two parcels total approximately 8.35 acres, and they are currently vacant with the exception of a small recreational volleyball area. The subject property is located near the Archer Road activity center area, which supplies both shopping and employment opportunities. Significant redevelopment and infill development activities are occurring in proximity to the subject parcels.*

*SW 34th Street, which abuts the parcels, is a major 6-lane arterial also known as State Road 121. There are sidewalks on both sides of the street, and two transit routes service this area (Routes 12 and 35). The property is located in Zone C of the City's Transportation Concurrency Exception Area (TCEA) and one of the PD conditions requires that the developer sign a TCEA Zone C Agreement to mitigate the impact of the associated trips by meeting Concurrency Management Element Policy and 1.1.7 standards.*

*The proposed name for this development is Mallory Square. The associated PD features buildings fronting along SW 34th Street that contain non-residential uses on the ground floor with residential units above. A total of 122 residential*



units and a maximum of 30,000 square feet of non-residential uses are proposed for the entire project. The project lies within the Idylwild/Serenola Special Area (an area of special environmental concern) and will be subject to the regulations that protect the sensitive environmental conditions existing on site. The Planned Development rezoning will ensure a development that protects the environmental assets on the site such as an endangered vegetative species, as reported by the City of Gainesville Environmental Coordinator, as well as the existence of a high quality hardwood hammock located in the southeastern portion of the project.

The Plan Board reviewed the petition and recommends approval with minor changes to the PD conditions. Plan Board voted 6-0 for approval.

Public notice was published in the Gainesville Sun on October 3, 2007. The Plan Board held a public hearing on October 18, 2007.

*Fiscal Note: None.*

**RECOMMENDATION**

City Plan Board to City Commission: The City Commission approve Petition 74PDV-07 PB with associated PD Report, PD Layout Plan, PD elevations and staff conditions as modified by the Plan Board. Plan Board vote 6-0.

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**070622.**

**Archer Square Planned Development Amendment - KOHLS (B)**

**Petition 97PDA-07PB. Eng, Denman & Associates, Inc., agent for M & P Shopping Centers, LLC. Planned development amendment to allow construction of a 100,000 square-foot retail establishment. Zoned: PD (Planned Development) district Located at 3501 Southwest Archer Road.**

*Explanation: This is a request to amend the Old Archer Road Planned Development consisting of approximately 10.77 acres and located at 3501 Southwest Archer Road. The subject property commonly known as the "Winn Dixie" shopping center is owned by M & P Shopping Centers, LLC consisting of approximately 81,541 square foot shopping center was approved by the Alachua County Commission in 1977. The 10.77 acre PD site being presented to the City of Gainesville Plan Board and City Commission for amendment is a portion of a much larger 26 acre PD site originally known as Archer Square that was approved by the Alachua County Commissions in 1974 for a large shopping center that included a department store and grocery store as the main anchors (see exhibit - 1). Over the past (20-30) years the original 26 acre site has been split into numerous (8-10), smaller commercial parcels, all under separate ownership, with all but one or two retaining a PD zoning designation and Commercial land use.*

*The requested PD amendment is necessary to allow for the redevelopment of this site as a new stand-alone department store having a maximum of 100,000 square feet. The proposed improvements include the complete demolition of the existing 81,541 square foot Winn-Dixie shopping center and parking lot and the redevelopment of the site as a stand-alone department store with a newly redesigned parking lot, updated landscaping, stormwater areas, and enhanced open space. The redevelopment of this site will create a new presence on Southwest 34th Street and revitalize a struggling shopping center with vacant storefronts. The redevelopment of this existing commercial site with a new commercial project is compatible with the adjacent properties and current land uses.*

*The Plan Board reviewed the petition and recommends approval of the petition with staff conditions as modified.*

*Public notice was published in the Gainesville Sun on October 3, 2007. The Plan Board held a public hearing on October 18, 2007.*

*Fiscal Note: None.*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 97PDA-07PB as revised by the Plan Board. Plan Board vote 6-0.*

*Staff to City Commission - Approve Plan Board's recommendation and direct the City Attorney to prepare and advertise the Ordinance.*

*Staff to the Plan Board - Approve Petition 97PDA-07PB.*

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**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT**

**ADJOURNMENT - 10:44 PM**