

# **City of Gainesville**

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



## **Meeting Agenda**

**April 10, 2006**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Chuck Chestnut (District 1)  
Commissioner Warren Nielsen (At Large)  
Commissioner Rick Bryant (At Large)  
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 Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

## CALL TO ORDER

## AGENDA STATEMENT

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

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 040823

#### **Amendment #1 to the Contract for State of Florida Lobbying & Advocacy Services (B)**

**This is a request to amend the price proposal section in the Lobbying Services Proposal to increase the annual fee from \$30,000 to \$48,000.**

*Explanation: On January 10, 2005 the City Commission awarded the contract for State of Florida Lobbying Services to Doug Bruce & Associates in the amount of \$30,000. This was an introductory contract by the City to determine if lobbying efforts would significantly impact the City's ability to secure additional funds and advance the City of Gainesville's State Legislative initiatives. Mr. Bruce was hired somewhat late in the legislative process and there was concern he would not be able to make a significant impact for the 2005 session. However, Mr. Bruce was very successful in his first year's efforts on behalf of the City and reported the results back to the City Commission on June 13, 2005. Of special note, the City of Gainesville received over \$2 million in funding for the Depot Park, Sweetwater Creek intercept and the Hogtown Creek Greenway projects.*

*Based on the success of the 2005 legislative session, it is proposed to amend the contract for Doug Bruce & Associates by an additional \$18,000 bringing the contract more in line with the scope and level of services rendered. During the FY 06 budget process, an additional \$18,000 was identified to increase the fee*

to \$48,000. While higher than last year, the new contract fee is still less than is generally paid for similar lobbying efforts by other governmental agencies.

*Fiscal Note: Funds are available in the Professional Services Line Item.*

**RECOMMENDATION**

*The City Commission approve the request to amend the contract for State of Florida Lobbying Services to increase the amount by \$18,000 for a total amount of \$48,000.*

*Alternative Recommendation*

*The City Commission deny the request.*

**Legislative History**

1/10/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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**051001**

**Revise Floodplain Ordinance (B)**

**This item involves a request to revise the Floodplain Ordinance based on the completion of a new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) has been completed for the City of Gainesville. In order to assure participation in the National Flood Insurance Program, Gainesville must adopt the FIS and FIRM in accordance with 44 Code of Federal Regulations Section 60.3.**

*Explanation: The new FIS and FIRM effective date will be June 16, 2006. The new effective date must be referenced in the City's Floodplain Ordinance to ensure participation in the National Flood Insurance Program. Other revisions to the Floodplain Ordinance are also needed. These revisions were identified by the Florida Department of Community Affairs following the last National Flood Insurance Program Community Assistance visit on February 10, 2004.*

*The Public Works Department will provide the necessary revisions to the City Attorney's office for consideration and review.*

*Fiscal Note: None*

**RECOMMENDATION**

*Recommended Motion: The City Commission authorize staff to initiate a petition to the Plan Board to amend the Gainesville Flood Control Ordinance.*

*Alternative Recommendation A: The City Commission refer the proposed Flood Control Ordinance revision to the Public Works Committee for review and direction.*

Legislative History

3/13/06 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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051022**Contracts for Supplemental Cold Weather Shelter and Services (B)**

**On March 13, 2006, the City Commission heard a request to amend the contracts with the Alachua County Housing Authority for supplemental cold weather shelter and services. Staff has received an invoice for additional expenses related to providing cold weather shelter and services at Holy Trinity Episcopal Church.**

*Explanation: At its March 13, 2006, meeting, the City Commission considered a request to amend the two contracts with the Alachua County Housing Authority for the provision of supplemental cold weather shelter and services to allow the Housing Authority to shift funds from its hotel/motel voucher contract to its cold weather shelter at Holy Trinity Episcopal Church contract. The reason for this request was the higher than anticipated utilization of the cold weather shelter at Holy Trinity Episcopal Church, which resulted in higher start-up capital outlay and utility costs.*

*The City Commission agreed at its March 13 meeting to ask Holy Trinity Episcopal Church and the Alachua County Housing Authority to return to the City Commission with an invoice for reimbursement of additional expenses for cold weather shelter and services. Staff has received an invoice for the additional expenses, and after careful review determined which expenses are reasonable for reimbursement. The additional expenses would result in an increase of \$10,000 above the \$30,000 that was initially stated in the contract for cold weather shelter at Holy Trinity Episcopal Church. Therefore, the two contracts with the Alachua County Housing Authority would have to be amended to reduce one and increase the other by \$10,000.*

*Fiscal Note: Funds for the two contracts for supplemental cold weather shelter and services are being provided on a 50/50 basis from City funds and a private donation (Account #123-790-G110-5690).*

RECOMMENDATION

*Recommended Motion: The City Commission approve amendments to the contracts with the Alachua County Housing Authority to shift \$10,000 from the Housing Authority's hotel/motel voucher program to the cold weather shelter at Holy Trinity Episcopal Church program.*

*Alternative Recommendation A: The City Commission not approve amendments to the contracts with the Alachua County Housing Authority.*

*Alternative Recommendation B: The City Commission defer action on the request to amend the contracts.*

Legislative History

3/13/06 City Commission Approved as shown above (See Motion) (5 - 0 - 2  
Absent)

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**051106****319 Grant Program Application to the Florida Department of Environmental Protection for the Depot Park Project (B)**

**This item involves a request to submit a grant application to the Florida Department of Environmental Protection (FDEP) for the 319 Grant Program Funds in the amount of \$500,000 for the Depot Park Project.**

*Explanation: The FDEP 319 Grant Program provides funding assistance for stormwater facility construction. The stormwater facility at Depot Park is in the final design phase. This request is to seek funding assistance for the design and construction phase of this Project.*

*Depot Park will provide recreation, support economic development to the downtown area, and generate environmental benefits. An additional consideration will be the facility's role in support of the Total Maximum Daily Load (TMDL) pollution reduction goals established for Paynes Prairie.*

*Fiscal Note: The FDEP 319 Grant Program funds request is for \$500,000. If the Grant is awarded, a local match of \$500,000 is required and available in the Stormwater Management Utility Fund fund balance.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to submit the Grant Application to FDEP for the 319 Grant Program Funds; 2) authorize the City Manager to allocate \$500,000 to the Depot Park Project from the Stormwater Management Utility Fund fund balance to provide the matching funds; and 3) execute any and all related documents with this Grant, if awarded, subject to approval by the City Attorney as to form and legality.*

*Alternative Recommendation A: The City Commission decline applying for the FDEP 319 Grant Program Funds. The resulting fiscal impact is the forfeiture of \$500,000 in grant assistance.*

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**051108****Application for Disability Retirement for Larry J. O'Neal (B)**

**Retirement application for Larry J. O'Neal, Transit Operator with the City of Gainesville - Regional Transit System for 4.25 years who has been under**

**the care of physicians for an on-the-job injury.**

*Explanation: A meeting of the Disability Review Committee was conducted on Tuesday, March 21, 2006, to review the application for disability retirement of Larry J. O'Neal. In reviewing the application and supporting information from his physicians, it is the recommendation of the Disability Review Committee that the City Commission approve the application.*

*Larry J. O'Neal, Transit Operator with 4.25 years with the Regional Transit System, has been under the care of physicians for an on-the-job injury. Information provided to the Committee from his physicians and from the City of Gainesville's third party administrator, Health Direct Inc., states Mr. O'Neal is totally disabled and wholly and continuously unable to perform any and every duty of his position as a Transit Operator, and has work restrictions that prohibit him from attaining another position within the City at this time.*

*Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for this employee have been determined as follow: current monthly salary - \$1,913.72; final average monthly earnings - \$2,437.56; final monthly benefit - \$975.02. (The final monthly benefit is without Social Security offset or a Worker's Compensation offset. If awarded, these offsets would be determined at a later date.) These benefits would be retroactive to September 26, 2005, and will be paid from the Disability Pension Fund.*

**RECOMMENDATION**            *The City Commission approve the submitted application for disability retirement for Larry J. O'Neal, Transit Operator, RTS.*

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**051109**

**Acquisition of Two Parcels for NE 19th Terrace Reconstruction Project (B)**

**This item involves an acquisition of two parcels of property in the amount of \$60,042 to be used as right-of-way needed for the NE 19th Terrace Reconstruction Project.**

*Explanation: The City must acquire property for right-of-way for the NE 19th Terrace Reconstruction Project. Edmon Mack, the owner of Tax Parcel 10733-001-000 located at 927 NE 19th Terrace and Tax Parcel 10733-012-000 located at 921 NE 19th Terrace, has agreed to sell these parcels to the City for \$60,042. Both parcels are currently rental properties. The City needs to acquire both parcels to provide sufficient right-of-way for the reconstruction project.*

*Fiscal Note: Funding for this acquisition in the amount of \$60,042 is available in Fund 323 in the NE 8th Avenue to NE 12th Avenue Connector Road Reconstruction Project account.*

**RECOMMENDATION**            *Recommended Motion: The City Commission: 1) approve the acquisition of Tax Parcel 10733-001-000 located at 927 NE 19th Terrace and Tax Parcel 10733-012-000 located at 921 NE 19th Terrace from*

*Edmon Mack for the purchase price of \$60,042; and 2) authorize the City Manager to execute any and all related documents for the acquisition of this property, subject to approval by the City Attorney as to form and legality.*

*Alternative Recommendation A: The City Commission deny the request for acquisition of Tax Parcel 10733-001-000 located at 927 NE 19th Terrace and Tax Parcel 10733-012-000 located at 921 NE 19th Terrace from Edmon Mack for the purchase price of \$60,042 and abandon the NE 19th Terrace Reconstruction Project. If this request is denied, the funds for this acquisition would remain available in the road reconstruction project account.*

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## 051112

### **Acceptance of Property from the Phoenix Subdivision Owner Association, Inc. (B)**

**This item involves the acceptance of a special warranty deed and a public ingress/egress easement in the Phoenix Subdivision for the purpose of installing playground equipment.**

*Explanation: In 2002, the City annexed a large tract of land in the southwest quadrant of Gainesville, adding approximately 15,000 residents to the City's population. When the City promoted the benefits of annexing, increased recreation opportunities was included as an additional service that the Phoenix residents would receive. Because the area was previously unincorporated, there were no existing recreation and park facilities within the area.*

*In January 2004, the City leased a double-unit building in the Phoenix subdivision in the SW quadrant of the City to provide a place for local children to gather for after school and summer recreation programs. In addition, Gainesville Police Department (GPD) also used this facility for meetings and as a substation.*

*The City also formed a partnership with the Family Christian Association of America (FCAA), whereby the FCAA would provide after-school programming throughout the school year and the City would provide funding to support summer recreation programs in that area.*

*The City's Parks, Recreation and Cultural Affairs Department allocates \$500/month for the rent of the double-unit building and has provided \$5,000 funding for Summer Camp programming this past year. GPD also provides \$500/month toward the rent and pays for the monthly utilities associated with the building.*

*On August 30, 2004, during the City of Gainesville General Government FY*

2005/2006 Budget Update, the City Commission approved \$100,000 towards a project titled Land Development - Phoenix Playground. It was the City's goal to find, secure and provide recreational facilities in that general area.

In February 2005, the Phoenix Homeowners Association voted (by over a 2/3 majority) to deed to the City of Gainesville, a common area within the subdivision, for the purpose of installing playground equipment for children to play. A special warranty deed to convey this land to the City of Gainesville was recently executed.

Between February 2005 and March 2006, city staff met numerous times with the Homeowners Association and property owners to discuss other options to consider in providing recreational opportunities for the Phoenix residents. These options included possible land acquisition for the installation of a larger playground as well as the acquisition of a four-plex residential unit to be used for recreational programming. In regard to the land acquisition, it was found that the property owners were unwilling sellers and the Homeowners Association felt there were no appropriate lots in the area that would be better suited for the playground. The cost estimates for the acquisition and renovations of the four-plex unit were determined to be more than was allocated and cost prohibitive. During that time period, staff worked with the Planning and Legal Departments to determine the most appropriate way to accept the common area if the City were to pursue that option. Ultimately, it was determined that the land deed would be the most viable option which would require a zoning and land use change. Based on information received from Planning and Legal, City staff submitted an application to the City Plan Board requesting a land use and zoning change for the common area in January 2006.

On March 16, 2006 the City Plan Board met and approved the amendment of the City of Gainesville Future Land Use Map for Residential Medium Density (RM) to Recreation (REC) as well as rezoning the property from Planned Development (PD) to Public Services (PS) for the playground equipment in the Phoenix Subdivision. This will be forwarded from the Plan Board to the City Commission for approval soon.

**Fiscal Note:** Funding for the playground equipment is available in Capital Fund 302 M323. The fees for recording the deed will be funded from Public Works Department operating budget.

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) approve the acceptance of the special warranty deed from the Phoenix Subdivision Association that conveys a portion of the common area to the City for the installation of playground equipment and a public ingress/egress easement to access that common area; and 2) authorize the recording of the special warranty deed and easement.*

*Alternative Recommendation A: The City Commission decline the acceptance of the special warranty deed and request staff to pursue other options for providing playground equipment in the Phoenix area.*



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## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

**051142**

### **Contract for Proctor Dirt (NB)**

**Staff requests ratification of a contract with W.G. Johnson & Sons, Inc. for proctor dirt.**

*Explanation: A contract for proctor dirt was established on October 1, 2005 with W.G. Johnson based on an Invitation to Bid. The annual cost for proctor dirt is dependent upon the types and number of construction and maintenance projects required during the year. Typically, the annual cost for proctor dirt does not exceed \$25,000. When establishing the contract, staff inadvertently calculated the value of the contract based on a one year term, which would be less than \$25,000.*

*The Water/Wastewater department uses proctor dirt under roadways and sidewalks when installing water and wastewater mains. Other GRU departments use proctor dirt on an as needed basis. W.G Johnson, a small business, has been performing the work satisfactorily.*

*Fiscal Note: Funds are available in the FY 2006 Water/Wastewater Systems budgets and will be requested in FY 07 and FY 08 budgets.*

#### **RECOMMENDATION**

*The City Commission 1) ratify a three year contract for proctor dirt with W.G. Johnson & Sons, Inc., and 2) approve the issuance of purchase orders to W.G. Johnson & Sons, Inc. in amounts not exceeding budgeted amounts through FY 08, subject to final approval of funds for FY 07 and FY 08.*

**051143**

### **Purchase of Track Excavator (B)**

**Staff recommends the purchase of a track excavator for Deerhaven Generating Station.**

*Explanation: The Deerhaven Generating Station frequently requires the use of a track excavator to perform plant-related activities to maintain surface drainage systems, the coal pile, associated plant feeder systems, and combustion by-product landfills. This equipment has been leased from local companies on an as needed basis. Due to the ongoing need for this equipment, staff has determined that the purchase of an excavator is a better solution to meeting the plant's requirements for performing these activities in terms of long term cost and administration.*

*An Invitation to Bid was sent by Purchasing to three (3) prospective bidders, with all three responding. One bid was deemed non-responsive due to material exceptions. The bids were evaluated based on price, equipment features, delivery time, warranty, parts availability and the bidders' past performance. Ring Power Corporation submitted the best evaluated bid based on the award criteria. The bid price includes maintenance for this equipment for five (5) years. Guaranteed buy-back purchase amounts for the equipment were obtained as part of the bid which affords the Utility the option to sell back the equipment at the guaranteed buy-back purchase amount at the end of five years.*

*Fiscal Note: Funds for these services are included in the FY 2006 Utilities Budget.*

**RECOMMENDATION**

*The City Commission approve the issuance of a purchase order to Ring Power Corporation for the purchase of a track excavator in the amount of \$192,764.*

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**051144**

**Release of Easement at Newberry Square Shopping Center (B)**

**Staff is requesting that a portion of an easement granted to the City of Gainesville September 28, 1988 be released due to a building encroachment.**

*Explanation: In 1988 an easement was granted to the City of Gainesville for the construction, operation and maintenance of public utilities at Newberry Square Shopping Center, located at 1005 NW 76th Boulevard. Recently, a survey of the property revealed that a portion of the easement lies under a building located on the parcel. In order to clear the cloud on the title created by the building encroachment, the owner has requested that the City release the area of the easement located under the building.*

*Staff has reviewed this request and confirmed there are no electric, water, sewer, or gas utilities located within the encroached area. Therefore staff has no objection to the City releasing this portion of the easement.*

*Fiscal Note: All costs associated with the Partial Release of Easement have been paid by the owner of the property.*

**RECOMMENDATION**

*The City Commission: 1) Approve the partial release of an easement granted to the City of Gainesville in 1988 at Newberry square shopping center; and 2) authorize the Mayor to execute the Partial Release of Easement subject to the approval of the City Attorney as to form and legality.*

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**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**051009****FINAL ADMINISTRATIVE ORDER IN THE MATTER OF JAMES KONISH, APPELLANT; LEGISLATIVE MATTER NO. 051009 (B)**

*Explanation:* On March 27, 2006, the City Commission, at its regular meeting, held a de novo, quasi-judicial appeal pursuant to section 30-112(d)(7)i., Gainesville Code of Ordinances. The appeal was heard at the request of the Appellant, James Konish, for the purpose of considering the decision of the Historic Preservation Board to approve a Certificate of Appropriateness with conditions. At the conclusion of the March 27, 2006 appeal, the City Commission voted to affirm the finding of the Historic Preservation Board. The Code of Ordinances requires the City Commission decision to be embodied in a written order.

**RECOMMENDATION**

The City Commission authorize the Mayor to execute, and Clerk of the Commission to attest, the final Order.

**Legislative History**

3/13/06	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
3/27/06	City Commission	Approved as shown above (See Motion) (5 - 1 - 1 Absent)

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**051151****BELLSOUTH TELECOMMUNICATIONS, INC., A GEORGIA CORPORATION, VS. THE CITY OF GAINESVILLE, A MUNICIPAL CORPORATION, D/B/A GAINESVILLE REGIONAL UTILITIES; ALACHUA COUNTY COURT; CASE NO.: 01-05-CC-3733 (B)**

*Explanation:* On March 20, 2006, the City of Gainesville was served with a summons and complaint. BellSouth alleges that on or about May 3, 2004, while GRU was performing excavations at 1505 N.W. 9th Street, GRU damaged underground telecommunications facilities owned by BellSouth. Plaintiff BellSouth seeks less than \$10,000 in damages.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled BellSouth Telecommunications, Inc., a Georgia corporation vs. The City of Gainesville, A Municipal Corporation, d/b/a Gainesville Regional Utilities; Alachua County Court; Case No.: 01-05-CC-3733.

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**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****051132****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of March 20, 2006 and March 21, 2006 (Special Meetings);

March 27, 2006 (Regular Meeting); and March 30, 2006 @ 3:00 PM and March 30, 2006 @ 6:00 PM; as circulated.

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## EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

## COMMITTEE REPORTS, CONSENT AGENDA ITEMS

## PUBLIC SAFETY COMMITTEE, CONSENT

### 050749

#### **Review of Roam Tow Rate Information (B)**

*Explanation: At the March 16, 2006 Public Safety Committee meeting, staff presented a memo and document concerning the history of the original \$70 roam tow rate set by the City Commission in May 1994. Commissioner Donovan, the only member present, suggested this would be useful information to provide to the City Commission since this question has come up in past Commission discussion.*

*This information was requested by the committee as part of their review of rate information, a pending referral made to the Public Safety Committee in December 2005. The committee made the decision in December to keep this as a pending referral until such time as the tow companies request a rate increase of the city. The committee, in the meantime, will continue to gather information that can assist the City Commission in making a more informed decision when/if that time comes.*

#### **RECOMMENDATION**

*The City Commission accept this interim report from the Public Safety Committee on the review of roam tow rate information referral and retain this item on the pending referral list.*

*NOTE: This item is being forwarded as the recommendation of one member of the Committee.*

#### **Legislative History**

11/28/05	City Commission	Referred	Public Safety Committee
12/15/05	Public Safety Committee	Discussed	
2/16/06	Public Safety Committee	Discussed	
3/16/06	Public Safety Committee	Discussed	

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**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****051114****Redevelopment on Northwest 13th Street Corridor (NB)**

**A number of developments are planned for the Northwest 13th Street corridor, leading to revitalization of this important urban corridor in the City.**

*Explanation: At the February 13, 2006 City Commission meeting, the City Commission requested that staff provide an update on development activity on the Northwest 13th Street corridor. Staff will provide a brief overview of redevelopment activities occurring along and near the corridor.*

*Developments that are recently completed, under construction, planned or under consideration along the corridor include the following: Lowes in the former Kmart and Gainesville mall locations (under construction); re-use of the former Kash N' Karry (planned), Starbucks in the former CVS building (under construction); renovation and addition to Sam's Warehouse (held First Step), and renovation of the Verde Plaza shopping center.*

*Other projects nearby, many of them residential developments or infrastructure improvements, are helping to reinforce the revitalization of the Northwest 13th Street area. Private developments and public improvements within a short distance of Northwest 13th Street include: Charleston Place condominiums, a 36-unit condominium development at Northwest 23rd Avenue and 16th Terrace (completed); Garland condominiums, a 37-unit complex on Northwest 21st Avenue (completed); the new Social Security building along Northwest 23rd Avenue just west of Northwest 13th Street (completed); Eagle Trace apartments, a 193-unit multi-family development along 29th Road (under construction); renovation of the Covered Bridge apartments slightly farther west into condominiums (close to completion); installation of the new roundabout on Glen Springs Road (completed); addition of medians and other enhancements to Northwest 23rd Avenue near Northwest 13th Street; and reconstruction of the 1800 to 2400 blocks of Glen Springs Road (underway).*

*In addition, the City Commission recently has adopted a new Concurrency Management Element Policy that provides additional trip credits for redevelopment projects in the Northwest 13th Street Special Concurrency Redevelopment Credit Area. This provides an additional incentive to redevelopment along this corridor.*

*Fiscal Note: None*

**RECOMMENDATION**

*Hear an overview from Community Development staff regarding revitalization activity on and near the Northwest 13th Street corridor.*

**051117****Council for Economic Outreach (CEO) Request for Opportunity 2010 Financial Contribution (B)**

**This item involves a request from the Council for Economic Outreach (CEO) for the City of Gainesville to financially participate in its Opportunity 2010 five year community and economic development initiative through a pledge of \$50,000 a year for five years or \$250,000.**

*Explanation: The Council for Economic Outreach (CEO) serves as the economic development arm of the Gainesville Area Chamber of Commerce. Its mission is to promote the development and diversification of Alachua County as a regional center for quality employment opportunities.*

*Recently, CEO embarked upon its Opportunity 2010 campaign to raise funds for efforts designed to accelerate economic growth and development in the City of Gainesville and Alachua County. The campaign has set a goal of raising \$2.95 million dollars from private and public sources over the next five years.*

*The thrust of the Opportunity 2010 campaign is to help forge stronger partnerships between the public, private and corporate sectors of the Gainesville/Alachua County area; expansion of the community's tax base; the dissemination of information regarding emerging local, state and regional economic development issues; and improvement of the area's quality of life.*

*The proposed five year (\$2.95 million) and annual (\$590,000) budget of the campaign involves an emphasis placed upon expansion of the existing business base, growth of new business opportunities and attraction of business external to the area. The majority of the annual and five year budget allocation is targeted at the growth of new business opportunities via an emphasis placed upon entrepreneurship and workforce development.*

*Fiscal Note: The FY 2006 budget for the City's Economic Development Department is approximately \$548,000. Roughly 54% of this budget is allocated from the General Fund for personnel and operational expenses; the remaining 46% is allocated from the Economic Development Fund for the operation and maintenance of the Gainesville Technology Enterprise Center (GTEC).*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) direct staff to include an allocation of \$50,000 for the CEO Opportunity 2010 Campaign in the FY 2007 and FY 2008 Economic Development Department budget; and 2) direct staff to formulate performance objectives associated with this allocation tied to implementation of the Innovation Zone to include marketing of the*

*Zone to development interests and capturing of innovative economy opportunities within the Zone.*

*Alternative Recommendation : The City Commission:  
1) deny the Council for Economic Outreach (CEO)  
request for a funding allocation associated with the  
Opportunity 2010 Campaign.*

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## **GENERAL MANAGER FOR UTILITIES**

### **051153**

#### **Request for Proposal for Executive Search Services (B)**

**Staff requests approval of the draft Request for Proposal for executive search services for the position of General Manager.**

*Explanation: At its meeting of March 27, 2006, the City Commission authorized the Interim General Manager to initiate the procurement process to hire an executive search firm to assist with the General Manager selection process.*

*Staff has attached a draft Request for Proposal document for these services that follows the process utilized for the hiring of the City Manager. Upon approval of the document, staff will issue the RFP to firms specializing in these services as well as advertise the solicitation as appropriate.*

*Fiscal Note: Funds for these services are available in the FY 2006 budget.*

#### **RECOMMENDATION**

*The City Commission: 1) approve the draft Request for Proposal (RFP) for executive search services for the General Manager selection process; and 2) authorize the Interim General Manager to issue the RFP in accordance with Purchasing Policies and Procedures.*

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**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

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

**OUTSIDE AGENCIES**



**MEMBERS OF THE CITY COMMISSION****051152 Annual Performance, Salary, and Benefits Review for the City Attorney (NB)****RECOMMENDATION**

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

**COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (5:30pm)****Girl Scout Troop 570**

*Lisa Peterson - Troop Leader*

**PROCLAMATIONS/SPECIAL RECOGNITIONS****051133 Administrative Professionals Week and Day - April 23-29, 2006 (B)****RECOMMENDATION**

*Gainesville Chapter International Association of Administrative Professionals President Susan Jarzen, CPS and Seminar Chair Chris Ross CPS/CAP to accept the proclamation.*

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**051134 Thirteenth Annual Bike, Hike and Bus Week - April 16-23, 2006 (B)****RECOMMENDATION**

*2006 Bicycle/Pedestrian Advisory Board Bike, Hike and Bus Week Chair Crystal Goodison to accept the proclamation.*

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**051135 Child Abuse Prevention Month - April 2006 (B)****RECOMMENDATION**

*Alachua County Child Abuse Prevention Task Force UF/Child Abuse Prevention Project Representative Annie McPherson, UF/Child Protection Team*

*Representative Michele Scavone-Stone, and Guardian Ad Litem Program Representative Michael Whiting to accept the proclamation.*

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**051136**

**Creeks Week - April 16-22, 2006 (B)**

**RECOMMENDATION**      *Gainesville Clean Water Partnership Representative Sally Adkins to accept the proclamation.*

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**051137**

**2006 Crime Victim's Rights Week (B)**

**RECOMMENDATION**      *Peaceful Paths Victim Advocate Molly McGowan to accept the proclamation.*

**051138**

**150th Anniversary Year of Evergreen Cemetery (B)**

**RECOMMENDATION**      *Evergreen Cemetery Association of Gainesville, Inc. President Dr. Thomas Fay and City of Gainesville Cemetery Coordinator Pamela M. Ganley to accept the proclamation.*

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**051139**

**Holocaust Remembrance Day - April 25, 2006 (B)**

**RECOMMENDATION**      *Jewish Council of North Central Florida Yom Hashoah Committee Publicity Chair Rachael Channing and Committee Representative Estelle Aden to accept the proclamation.*

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**051140**

**Library Appreciation Month - April 2006 (B)**

**RECOMMENDATION**      *Alachua County Library District Governing Board Chair Gainesville Commissioner Craig Lowe, Member Mayor Pegeen Hanrahan and Alachua County Library District Library Director Sol M. Hirsch to accept the proclamation.*

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**051141****Evinston to Cross Creek Paint Out - April 14, 2006 (B)****RECOMMENDATION**

*Artists Alliance of North Florida Co-Directors Annie W. Pais and Stewart Thomas and Conservation Trust for Florida, Inc. Executive Director Busy Shires Byerly to accept the proclamation.*

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**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****050768****UNIVERSITY HEIGHTS SPECIAL AREA PLAN AMENDMENT (B)****Ordinance No. 0-06-38; Petition 174TCH-05 PB**

**An ordinance of the City of Gainesville, Florida, amending Appendix A, Section 6 of the Land Development Code, University Heights Special Area Plan; amending prohibited uses in the University Heights Special Area Plan; providing for rehabilitation centers by a Special Use Permit; amending height limits to be consistent with those in the Urban Mixed Use-2 (UMU-2) zoning district; amending the land use and building type matrix to include Urban Mixed-Use (UMU-2); 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 of Gainesville adopted two new zoning districts—Urban Mixed Use – 1 and Urban Mixed Use – 2. The UMU-2 zoning district, which now applies to a number of parcels within the University Heights Special Area Plan, allows building heights that are taller than those allowed in the University Heights SAP. This petition proposes to amend the University Heights SAP to make it consistent with the height provisions found in the UMU-2 zoning district. This petition, therefore, recommends that the SAP height limits be increased to be consistent with the UMU height limits, by modifying the “Land Use and Building Type Matrix” as well as the appropriate building types.*

*The Plan Board discussed the petition and determined that, in addition to the language presented in the petition, the following additional prohibited uses should be added under P. Prohibited Uses: Standard. The following uses are prohibited:*

*Off-street surface parking lots as a principal use*

*Drive-throughs (new or expanded)*

*And add Q. Special Use Permit as follows:*

*Q. Special Use Permit:  
Rehabilitation centers*

*Public notice was published in the Gainesville Sun on January 3, 2006. Letters were mailed to surrounding property owners on January 4, 2006. The Plan Board held a public hearing January 19, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 174 TCH-05 PB, with modifications. Plan Board vote 5-0.*

*CITY ATTORNEY MEMORANDUM*

*This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, April 24, 2006.*

*Fiscal Note: None*

**RECOMMENDATION**                      *The City Commission: (1) approve Petition 174TCH-05 PB, and (2) adopt the proposed ordinance.*

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**050882**

**URBAN SERVICES REPORT – ALAMAR GARDENS, LLC**

**Ordinance No. 0-06-37**

**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 Parcels 06680-001-000, 06745-002-000 and 06745-002-001, and generally located south of the City limits and Tax Parcel 06745-000-000, west of the vicinity of SW 42nd Avenue, north of SW 20th Avenue, and east of 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 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 is 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 April 24, 2006. 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**

3/13/06      City Commission      Approved as Recommended (5 - 0 - 2 Absent)

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

**050769**

**SOUTHWEST 13th STREET SPECIAL AREA PLAN AMENDMENT (B)**

**Ordinance No. 0-06-35; Petition 175TCH-05 PB**

**An ordinance of the City of Gainesville, Florida, amending Appendix A, Section 7, Exhibit A, of the Land Development Code, Southwest 13th Street Special Area Plan, relating to height limits in the Urban Mixed Use-1 (UMU-1) and Urban Mixed Use-2 (UMU-2) zoning districts; 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 of Gainesville adopted two new zoning districts—Urban Mixed Use-1 (UMU-1) and Urban Mixed Use-2 (UMU-2). These new districts are now both found within the Southwest 13th Street Special Area Plan, and have inconsistent regulations. The UMU-1 and UMU-2 zoning districts allow building heights that are taller than those allowed in the Southwest 13th Street SAP. This petition, therefore, recommends that the SAP height limits be increased to be consistent with the UMU height limits.*

*This petition proposes to amend the Southwest 13th Street SAP to make it consistent with the provisions found in UMU-1 and UMU-2 zoning districts. The Plan Board heard the petition and voted to recommend approval to the City Commission.*

*Public notice was published in the Gainesville Sun on January 3, 2006. Letters were mailed to surrounding property owners on January 4, 2006. The Plan Board held a public hearing January 19, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 175TCH-05 PB. Plan Board vote 5-0.*

*CITY ATTORNEY MEMORANDUM*

*This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, April 10, 2006.*

*Fiscal Note: None*

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

**Legislative History**

3/27/06              City Commission              Approved (Petition) and Adopted on First Reading  
(Ordinance) (6 - 0 - 1 Absent)

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**RESOLUTIONS- ROLL CALL REQUIRED**

**040282**

**Design Plat and Final Plat -Cottage Grove Cluster Subdivision (B)**

**Petition 17SUB-04DB, Rick Hall, agent for Dixieland Enterprises, L.L.C. Design plat and final plat approval of Cottage Grove Cluster Subdivision, 17 lots on 6.51 acres more or less. Located in the vicinity of Northwest**

**54th Lane and Northwest 34th Street, west side. Zoned: RSF-2.**

*Explanation: The City Development Review Board considered a request to approve a design plat of Cottage Grove Cluster Subdivision at a public hearing held March 11, 2004. By a vote of 6-0, the Development Review Board approved Petition 17SUB-04DB with staff and Board conditions. On August 9, 2004, the City Commission approved Petition 17SUB-04DB, Cottage Grove Cluster Subdivision, by a vote of 7-0.*

*During review of the construction drawings for Cottage Grove, the one-year approval period for the design plat lapsed. The petitioner failed to request an extension of time from the City Commission prior to the August 9, 2005 time frame during City staff's review of the construction drawings. On February 7, 2006, the petitioner submitted their application for final plat approval, not realizing that the design plat had lapsed. The petitioner is now requesting that the City Commission reapprove the design plat and concurrently approve the final plat of Petition 17SUB-04DB, Cottage Grove Cluster Subdivision.*

*The petitioner is proposing to develop a 17-lot cluster subdivision on 6.51 acres more or less, utilizing a 22-foot-wide private roadway system that will lie within a 40-foot wide "Common Area." The subdivision will have a density of 2.61 dwelling units per acre, on property zoned RSF-2, that allows up to 4.6 dwelling units per acre. The total number of dwelling units proposed in the cluster subdivision is lower than the number of dwelling units (29) that would have been otherwise permitted by the density standards in the zoning district in which it is located.*

*The cluster subdivision process allows the petitioner to reduce the lot size, width, depth, and building setbacks as long as they meet certain conditions and are approved by the City. The RSF-2 zoning would normally require 7,500 square foot lots that are a minimum of 75 feet wide and 90 feet deep. Lots in this cluster subdivision will range in size from 4,786 square feet to 7,535 square feet. When individual lot sizes in this cluster subdivision fall below 7,500 square feet, 75% of the total square footage of each lot below 7,500 square feet must be set aside for "cluster open space." In this case 20,299.5 square feet of cluster open space is required to be set aside and a total of 137,643 square feet of land (includes wetlands, buffers, common area and retention areas) will be preserved as cluster open space. Also, when lots in a cluster subdivision abut lots in a developed subdivision, the widths of the cluster subdivision lots must equal 75% of the lot width required in that zoning district. All abutting lots to the Appletree subdivision are greater in width than the minimum allowed.*

*Since the last City Commission meeting, the petitioner has received support from the City Arborist and the City's Public Works Department to not require a masonry wall along a portion of the south property lines in an effort to protect existing trees located along the common boundary between Appletree subdivision and Cottage Grove Cluster subdivision. In addition, a large live oak, that was to be protected and located within the center of the end cul-de-sac in Cottage Grove, was found to be diseased and has been approved for removal by the City Arborist.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) reapprove the design plat of Petition 17SUB-04DB with City staff's amended recommendations, eliminating the requirement for a masonry wall along a portion of the south property line and allowing the removal of the existing live oak tree from the rear cul-de-sac; 2) approve the final plat of Petition 17SUB-04DB, with City staff's amended recommendations as stated above; and 3) adopt the following resolution: A Resolution approving the final plat of "Cottage Grove, A Cluster Subdivision", located in the vicinity of Northwest 54th Lane and Northwest 34th Street, west side; authorizing the City Manager or designee, to execute a Surety Agreement to secure the construction of public improvements; providing directions to the Clerk of the Commission; and providing an immediate effective date.*

*Alternative Recommendation A: 1) The City Commission approve the design plat and final plat without City staff's amended recommendations, by requiring that the masonry wall be installed, and if the existing live oak is removed, require that a replacement live oak be planted within the cul-de-sac; and 2) adopt the following resolution: A Resolution approving the final plat of "Cottage Grove, A Cluster Subdivision", located in the vicinity of Northwest 54th Lane and Northwest 34th Street, west side; authorizing the City Manager or designee, to execute a Surety Agreement to secure the construction of public improvements; providing directions to the Clerk of the Commission; and providing an immediate effective date.*

**Legislative History**

8/9/04 City Commission Approved (Petition) with Staff and Development Review Board Conditions (7 - 0)

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**051154**

**Final Plat - Madera Phase III (B)**

**Petition 82SUB-01DB Phase III, (Quasi-Judicial). Causseaux and Ellington, Inc., agent for Duncan Chesapeake, LLD. Final Plat review, Phase III of the Madera Subdivision, consisting of 28 lots on 11.015 acres more or less. Located in the vicinity of SR 331 (Williston Road) and Southwest 21st Street, North Side. Zoned: RSF-1, Single-Family Residential.**

*Explanation: This is a request for conversion of conditional final plat of Phase III of Madera Cluster Subdivision, to a final plat. The phase consists of twenty-eight lots on*



11.015 acres. The land was annexed by the City of Gainesville in April of 2000. The petition was reviewed under Alachua County regulations for cluster subdivisions and the Idylwild/Serenola Special Area Plan.

The City Commission approved the conditional plat for Phase III on July 28, 2003. Since conditional approval, required improvements have been under construction. Public Works has reviewed the development and determined that the improvements are acceptable at its current stage. The property has changed ownership and the proper documents have been reviewed to reflect the change of ownership.

*Fiscal Note: None*

**RECOMMENDATION**

*Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of "Madera Cluster Development, Phase III", located in the general vicinity of Williston Road (north side), a/k/a S.R. 331, between Southwest 21st Street and Southwest 23rd Terrace; authorizing the City Manager or designee, to execute a Subdivision Improvement Surety Agreement to secure the construction of improvements; providing directions to the Clerk of the Commission; and providing an immediate effective date.*

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**051110**

**Resolution for the Transfer of Property to the Florida Department of Transportation (B)**

**This item involves adoption of a Resolution authorizing execution of a deed to convey a 930-square foot parcel of land to the Florida Department of Transportation (FDOT) for the installation of a traffic signal pole and mast arm. This is part of the FDOT plan to improve State Road 26 (Newberry Road).**

*Explanation: The FDOT has programmed the installation of the traffic signal at NW 48th Boulevard and State Road 26 (Newberry Road), the entrance to Mill Pond and Gainesville Health and Fitness Center, as part of their plan to improve State Road 26 (Newberry Road). The FDOT is requesting that the City deed them a parcel of land consisting of 930 square feet to install the mast poles for the signal. This request serves the public welfare and is in the best interest of the community.*

*Fiscal Note: None*

**RECOMMENDATION**

*Recommended Motion: The City Commission adopt the Resolution.*

*Alternative Recommendation A: The City Commission*

*deny the motion to adopt the Resolution, which would result in no traffic signal control at the intersection of NW 48th Boulevard and State Road 26 (Newberry Road). There is no fiscal impact from this request.*

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## PLAN BOARD PETITIONS

## DEVELOPMENT REVIEW BOARD PETITIONS

### 051092

#### Design Plat Approval - Ingleside Village Subdivision (B)

**(Formal Quasi-Judicial) Petition 22SUB-06DB. Brown & Cullen, Inc., agent for Andrew Kaplan. Design plat approval of Ingleside Village Subdivision, for 10 lots on 1.16 acres more or less, having a density of 8.6 dwelling units per acre. Located between Northwest 17th Avenue and Northwest 18th Avenue and between Northwest 9th Street and Northwest 10th Street.**

*Explanation: The Development Review Board considered a request to approve a design plat of Ingleside Village Subdivision for 10 lots on 1.16 acres more or less, at a public hearing held March 9, 2006. By a vote of 5-0, the Development Review Board approved Petition 22SUB-06DB with staff conditions and with a recommendation to the City Commission to waive the sidewalk requirement.*

*The applicant is requesting approval to subdivide Block "F" of the Ingleside Subdivision, as recorded in Plat Book "C," Page 2 of the Public Records of Alachua County, Florida. Block "F" presently consists of six lots, some of which are occupied by a single-family dwelling and two accessory structures. The applicant intends to reconfigure the existing six lots to create a total of 10 lots for single-family residential development. The single-family dwelling will remain on the subject property, while the accessory buildings will be demolished.*

*At the Development Review Board meeting, planning staff explained that the applicant is required to provide a sidewalk along the abutting right-of-ways under Section 30-188(e)(5) of the City Land Development Code. However, the City Public Works Department does not support the provision of sidewalks within the abutting right-of-ways due to the absence of curb and gutter. According to the City Public Works Department, the lack of curb and gutter allows or encourages roadside vehicular parking that causes maintenance and safety problems. Modification of the standard requiring the provision of sidewalks within the right-of-ways abutting the proposed subdivision must be approved by the City Commission, as specified in Section 30-192(d) of the City Land Development Code.*

*Fiscal Note: None*

**RECOMMENDATION**

*Development Review Board to City Commission - The City Commission approve Petition 22SUB-06DB with staff conditions and with a recommendation to the City Commission to waive the sidewalk requirement. Vote 5-0 (Abstain: Ingram).*

*Staff to Development Review Board - Approve the petition, subject to the adoption of staff conditions.*

*Alternative recommendation A: Approve Petition 22SUP-06DB with staff conditions and with a recommendation to the City Commission to waive the sidewalk requirement.*

*Alternative recommendation B: Approve Petition 22SUB-06DB with staff conditions.*

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**SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENTS****CITIZEN COMMENT (If time available)****ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**