

City of Gainesville

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



Meeting Agenda

January 24, 2005

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER - 1:05 PM

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

Father Gordon Tremaine, Holy Trinity Episcopal Church

100 NE First Street, Gainesville, FL 32601

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

040798

Ms. Gloria Rozier/Film Festival (NB)

Explanation: At the December 13, 2004 City Commission meeting, the Interim City Manager was instructed to assist Ms. Gloria Rozier with her request for funding to establish a film festival. There are basically two avenues for review of Cultural proposals:

1) The City of Gainesville's Guide to Grants states that, "all agencies or individuals requesting funding for cultural activities for community events will be referred to the Department of Cultural Affairs for evaluation under the appropriate grant category before the Gainesville City Commission will consider their request."

2) In the past, the City Commission in the past has made referrals directly to the Gainesville-Alachua County Cultural Affairs Board for input before considering a funding request for cultural agencies.

In accordance with past practice, Ms. Rozier was referred to the Department of

Cultural Affairs, which arranged for the Cultural Affairs Board to review the request. This meeting took place on December 22, 2004. Ms. Rozier's desire is to attract smaller independent films and video games that might not submit to larger festivals and to find ways to include East Gainesville.

Ms. Rozier states that she has pledged of funds for advertising this project from Cox Cable, the McGurns and the Visitor and Convention Bureau. Ms. Rozier offered details of costs to include; 1) Fee to the organizer, 2) Database, 3) Website, 4) Graphic design, 5) Ads, 6) Travel, 7) Equipment, 8) Honorarium, and 9) miscellaneous, totaling \$55,000. Ms. Rozier could not estimate revenues to be generated at this time.

The Cultural Affairs Board and the Department of Cultural Affairs would like to continue to work with Ms. Rozier on this request and on developing an understanding of the finances related to film festivals.

Fiscal Note: No fiscal impact at this time.

RECOMMENDATION

The City Commission approve the Cultural Affairs Board and the Department of Cultural Affairs involvement with Ms. Rozier to evaluate the request and return to the Commission with a recommendation in 90 days.

Legislative History

12/13/04 City Commission Continued

040885

Reappointment of members to the East Gainesville SPROUT Project Task Force (B)

Explanation: The two-year terms of five appointed members of the East Gainesville SPROUT Project Task Force expired on January 13, 2005. The members wish to continue serving. Currently, members serve two-year terms as provided for in the SPROUT Task Force Guidelines and Procedures approved by the City Commission on January 8, 2001. Staff also requests that the terms increase in duration from two to three years due to the extended nature of the Depot Park project.

Fiscal Note: None

RECOMMENDATION

The City Commission extend the membership term of the East Gainesville SPROUT Project Task Force from two to three years and approve the reappointment of members Stephen Boyes, Phillis Filer, Robert Hutchinson, Kinnon Thomas and Janie Williams until January 13, 2008.

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040886**Settlement of Worker's Compensation Claim - Walter L. Littles (NB)**

Explanation: While employed as a Fire Fighter, Walter L. Littles suffered heart/hypertension injury that has required ongoing treatment by medical providers. As a result of his injury and subsequent permanent work restrictions imposed by his treating physicians, Mr. Littles is no longer able to perform the essential functions of his job as a Fire Fighter.

Recently, the City and Mr. Littles attempted to mediate a settlement of his Worker's Compensation claim. Mr. Littles and his attorney, Geoffrey Bichler, have agreed the proposed settlement. The City Attorney's Office, the Risk Management Department, Gainesville Fire Rescue, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$70,000, includes all attorney fees, future medical costs, past and future indemnity payments, and taxable costs.

Fiscal Note: The settlement of this case in the amount of \$70,000 will be paid out of the General Insurance Fund.

RECOMMENDATION

The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Walter Littles in the amount of \$70,000.

040892**Settlement of Worker's Compensation Claim - Rick L. Watson (NB)**

Explanation: While employed as a Fire Fighter/Driver Operator, Rick L. Watson suffered two compensable injuries. The first, hypertension occurred in 1998 and the second, a cervical injury that required cervical fusion, occurred in 2001. This injury has required ongoing treatment by multiple medical providers. As a result of Mr. Watson's injuries, he is no longer able to perform the essential functions of his job as a Fire Fighter/Driver Operator.

Recently, the City and Mr. Watson attempted to mediate a settlement of his Worker's Compensation claim. Mr. Watson and his attorney, Mr. Robert M. Cox, have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, Gainesville Fire Rescue, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount is \$84,750 and is inclusive of attorney fees, future medical costs and indemnity benefits.

Fiscal Note: The settlement of this case in the amount of \$84,750 will be paid out of the General Insurance Fund.

RECOMMENDATION

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

claim of Rick L. Watson in the amount of \$84,750.

040887**Bid Award - Depot Park, Phase I - Regional Stormwater Treatment Facility (B)**

Explanation: On December 6, 2004, Purchasing solicited bids from four hundred eighty two potential bidders with thirty-one receiving the bid documents. A total of four bids were received on January 14, 2005 and the results are on the attached bid tabulation. After evaluating the bids, staff finds that Watson Construction Co., Inc. has submitted the lowest responsive bid. The engineer's estimate for the work is \$1.3 million.

Depot Park, Phase I -Regional Stormwater Treatment Facility is the first phase of construction for the Depot Park project. This work consists of constructing the 'West Pond' of the downtown stormwater treatment facility and its discharge ditch back to Sweetwater Branch. The facility will serve about 108 acres of the downtown area, which includes South Main Street and most of the area between South Main Street and Sweetwater Branch from University Avenue to Depot Avenue and the RTS campus.

Fiscal Note: Funds are available in the Public Works accounts from the stormwater utility, grants and State Revolving Fund loan for this expenditure.

RECOMMENDATION

The City Commission: 1) Authorize the award of the lowest responsible bid to Watson Construction Co., Inc. based on their proposed \$1,293,850 for the work; 2) authorize the Interim City Manager to issue a Purchase Order not to exceed \$1,293,850; 3) authorize the Interim City Manager to execute all documents related to this authorization for the project subject to approval from the City Attorney as to form and legality; and 3) authorize all necessary budget amendments for the project.

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040888**First Extension to the Contract for Redi-Mix Concrete for FY 2005 (B)**

Explanation: The contract with Cemex for redi-mix concrete dated January 20, 2004 expired on December 31, 2004. This firm has responded to the City's requests for services promptly and their services have been reliable and accurate. Due to the escalating costs of raw materials, trucking, insurance, labor, and environmental compliance, Cemex has requested an increase in their bid prices to cover this inflation of cost. The Public Works Department accepts Cemex's request and recommends extending this contract through December 31, 2005.

The Contract allows for two (2) extensions. This is the first request for an extension.

Fiscal Note: All purchases will be charged to the appropriate operating budget or capital improvement account.

RECOMMENDATION

The City Commission authorize the Interim City Manager or designee to execute the First Extension to the contract with Cemex for Redi-Mix Concrete, extending the term of the contract from January 1, 2005 to December 31, 2005, subject to approval by the City Attorney as to form and legality.

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040889

Consultant Services Amendment - Old Landfill at Sweetwater Branch (B)

Explanation: Since 2002, consultants and staff have been working with the Florida Department of Environmental Protection (FDEP) on developing a plan to provide proper cover on the bank of a closed landfill that adjoins Sweetwater Branch. Between then and now, the consultant - Golder and Associates - has completed numerous tasks beyond the original scope of work. In October 2002, the City Commission authorized an additional \$78,201 for tasks related to the emergency work required due the culvert failure in Sweetwater Branch under the road leading to the old Compost Plant site.

Since then Golder and staff have developed and received approval of a concept plan for stabilizing the banks of concern and prepared the bid documents necessary to implement the approved plan. Golder's work during development of the concept and final plans and specifications required additional skills beyond those originally estimated when developing their contract and scope of work. Structural engineering and special bank stabilization measures were required due to the necessity to keep all waste materials on site. Waste materials, if excavated, have to be taken to a suitable landfill. Earlier work on the site identified some hazardous materials on the site that were disposed of for a cost of \$220.00/ton. To avoid removal of old landfill material, the decision was made to use sheet piling and rock filled baskets to provide separation between the creek and the Old Landfill. Additional oversight and inspection costs are expected due to a longer construction schedule than originally envisioned. Costs for these tasks are \$56,190 and \$53,996, respectively, totaling \$110,186. However, because of economies realized in the variety of task budgets during the previous work, only \$77,624 additional compensation is needed for Golder's work.

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

RECOMMENDATION

The City Commission: 1) authorize a contract amendment with Golder in the amount of \$77,624 for the additional work related to the Old Landfill Project at Sweetwater Branch; 2) authorize the Interim City Manager or designee to execute all documents related to this authorization for the project; and 3) authorize all necessary budget amendments, including the transfer of funds from the Solid Waste Enterprise Fund

fund balance.

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040890

Sale of Surplus Property at 1233 SW 6th Street (B)

Explanation: The City acquired Tax Parcel #15635-007-001 (1233 SW 6th Street) from the Board of Trustees of the Internal Improvement Trust Fund in 1982 for the purposes of infrastructure development. On April 26, 2004, the City Commission approved the request to declare Tax Parcel #15635-007-001 located at 1233 SW 6th Street as surplus and authorized the City Manager to advertise and accept bids. The required legal ads specifying the bid opening date were run July 11 and July 18, 2004, and bid packets were mailed out.

On July 26, 2004, the City Commission cancelled the bid process. An Addendum to the Invitation to bid was mailed to cancel the bid process to all parties receiving the bid packets.

On September 27, 2004, the City Commission voted to reinstate the bid process. The legal ads ran on October 24 and October 31, 2004, and bid packets were mailed out. The bid opening was held on November 19, 2004, with one bid being received from Wells TheLosen in the amount of \$331,000. The appraised value was \$214,000. Mr. TheLosen owns and operates a nearby business and wishes to use this space to build a new office with adjacent warehouse to store materials for his business.

Fiscal Note: Expenses incurred (advertisements, appraisals, title searches, etc) will be paid from Public Works operating funds and will be reimbursed from the sale proceeds, with the remainder deposited into the General Fund.

RECOMMENDATION

The City Commission: 1) authorize the Interim City Manager to execute a Purchase and Sale Agreement for Tax Parcel #15635-007-001 to the highest bidder; 2) authorize the Interim City Manager or designee to prepare a Special Warranty Deed, subject to approval by the City Attorney as to form and legality, to convey the property to the highest bidder; and 3) authorize the Mayor to approve, and the Clerk to attest, the Special Warranty Deed to convey the property award bid to the highest and only bidder, Wells TheLosen.

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040891

Funding for Proposed CRA District Blight Findings Report (B)

Explanation: On November 3, 2004, the College Park/University Heights (CPUH) Advisory Board voted to recommend exploring the area bounded by Southwest Depot Avenue, Southwest 16th Avenue, Southwest 6th Street, and South Main Street for inclusion in the CPUH district; and to remove the Little Gandy Area (bounded by Southwest Depot Avenue, Southwest 16th Avenue, Southwest 16th

Street, and Southwest 13th Street) from the study area. Herbert-Halback, Inc. (HHI), the consultant doing the study, recommended the boundary change after preliminary data collection and analysis indicated that the originally proposed boundaries may not meet State law requirements for a CRA district boundary expansion.

On November 15, 2004, the CRA approved the boundary change for the study area, and on November 22, 2004, the boundary change was approved by the City Commission.

As a result of the boundary change, the consultant incurred additional expenses associated with meetings, data collection and analysis. Those expenses, totaling \$6,294.32, are described in more detail in the backup materials. Adding a 10% contingency of \$629.43 would increase the total to \$6,923.75.

The change in the proposed boundaries will not affect the cost of revising the redevelopment plan.

Fiscal Note: Up to \$60,000 for the blight study was budgeted in the general fund and has rolled over from the prior fiscal year. From that amount, \$31,540 was approved for the study, based on the approved bid. Therefore, there are sufficient funds budgeted, but not yet specifically approved for this item.

RECOMMENDATION

The City Commission approve \$6,923.75 for additional expenses associated with the change in the proposed blight findings study boundaries.

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040893

Agreement with Meridian Behavioral Healthcare, Inc. to Provide Outreach and Education Services for the Gainesville Police Department's Comprehensive Drug Plan Program (B)

Explanation: A primary component of the Gainesville Police Department's Comprehensive Drug Plan includes prevention, education, awareness and treatment of substance abuse as a means to reduce drug crimes and crimes associated with drug activity in the City. This agreement will provide community outreach and a program of education, counseling, life skills, and related services to at-risk youth and identified adults referred by the Gainesville Police Department.

Fiscal Note: Funding (\$49,917) for this agreement was previously approved and appropriated by the City Commission on July 13, 2004.

RECOMMENDATION

The City Commission authorize the Interim City Manager to execute the agreement with Meridian Behavioral Healthcare, Inc., subject to approval by the City Attorney as to form and legality, and authorize the issuance of a purchase order in an amount not to exceed \$49,917 for this agreement.

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040187

Ad Hoc Committee on Homeless Concerns Update Report (B)

Explanation: The Ad Hoc City Homeless Committee met on January 9, 2005 with three key local community emergency shelter providers (St. Frances House, Salvation Army, and Interfaith Hospitality Network) to discuss their needs and the needs of the homeless in the community. City staff will update the City Commission on the outcome of the meeting.

Fiscal Note: None.

RECOMMENDATION

The City Commission review and approve the Interfaith Hospitality Network promotion.

Legislative History

7/12/04	City Commission	Referred (7 - 0)	Community Development Committee
8/5/04	Community Development Committee	Approved as Recommended	
9/13/04	City Commission	Continued (6 - 0 - 1 Absent)	
10/11/04	City Commission	Approved, as shown above	
10/11/04	City Commission	Referred	Community Development Committee
10/11/04	City Commission	Referred	City Manager
11/4/04	Community Development Committee	Continued	
11/15/04	Community Development Committee	Continued	
11/22/04	City Commission	Heard	
1/6/05	Community Development Committee	Approved as Recommended	
1/10/05	City Commission	Approved, as shown above (7 - 0)	

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- 040187_200501241300.pdf
- 040187_200501101300.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

040877

Partial Release of Easement (B)

Explanation: On November 13, 1959, Shadowlawn Estates subdivision was created by the recording of a subdivision in the public records of Alachua County. In the documents creating the subdivision, a fifteen (15) foot wide public utility easement was created along the east side of Lot 13 of Shadowlawn Estates. In 1970 a home was built on Lot 13.

A recent survey of Lot 13 of Shadowlawn Estates (3510 NW 34 Place) revealed a 6.9' encroachment of the home into the public utility easement thereby creating a cloud on the title. The current owner has requested that the City release its interests in the easement only for the area of encroachment and has supplied a surveyor's legal description and sketch as necessary to do so.

Upon review of this request by staff, it was determined that no sanitary sewer or natural gas facilities exist within the portion of the easement requested for release and that existing electric and water facilities located in the easement would not be impacted by the requested partial release of easement. Staff is recommending approval of the request for the release of a portion of the public utility easement located on the east side of Lot 13 of Shadowlawn Estates subdivision.

RECOMMENDATION

The City Commission: 1) approve the partial release of a public utility easement; and 2) authorize the Mayor and Clerk of the Commission to execute the Partial Release of Easement, substantially in the form on file, subject to approval by the City Attorney as to form and legality.

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040878

Underground Electric Distribution Installation Services Contract (NB)

***Explanation:** The City Commission approved the award of a contract to Pike Electric Inc. for installation of the underground electric distribution facilities for a two (2) year term on March 24, 2003. The contract allows for three (3) twelve-month extensions of the contract upon mutual agreement of the parties and negotiation of the contract prices. Pike Electric Inc. has agreed to extend the contract for an additional twelve months with a 2.13 percent increase to labor units, a 1.5 percent increase on equipment units, and a 5.25 percent increase on remaining contract units. Pike Electric Inc.'s requested increases are based on the rise in labor, fuel, equipment and insurance costs.*

The contract is required for the installation of underground and underground related distribution assemblies, equipment, foundations, electric cable, transformers, switchgear, and other related equipment within the underground electric distribution system in various locations of GRU's service area.

Pike Electric Inc. has provided satisfactory service over the two (2) year term and is steadily increasing its productivity. Contract pricing is also satisfactory, remaining competitive for the market. Therefore, staff does not believe there would be any cost benefit by re-bidding the contract at this time.

***Fiscal Note:** Funds for these services are included in the FY 2005 Utilities Budget and will be requested in the Utilities budgets for future fiscal years covered under the contract term.*

RECOMMENDATION

The City Commission: 1) authorize the General Manager or his designee to execute an amendment to

extend the contract with Pike Electric Inc. for the installation of underground electric distribution facilities for a period of one (1) year and 2) approve the issuance of a purchase order to Pike Electric Inc. for a one (1) year term, not to exceed budgeted amounts.

040898**First Amendment of Credit Agreement for Liquidity Provider - Tax Exempt Commercial Paper Program (TECP) (NB)**

Explanation: The Utility has had a short-term, variable-rate tax-exempt commercial paper (TECP) in place since 1983. Having a portion of our debt in short-term, variable rate debt is recommended by the rating agencies and interest rates on this debt have been very low compared to longer-term fixed-rate debt. Currently, we have an \$85 million TECP program outstanding.

To buy TECP, investors require that GRU contract with a highly-rated Bank to provide liquidity (a loan) that GRU could call on the same day if the TECP comes due and payable and GRU does not have the funds to pay the debt. While that event is highly unlikely and has never occurred, our investors make this requirement.

In 2000 the City Commission authorized entering into a three-year agreement with BLB to provide this liquidity facility at a cost of 14 basis points a year (.14%). This Agreement was later extended to February 28, 2007. The first year (2003) was at a cost of 14 basis points, and with subsequent years at a cost of 17 basis points. Late last year, representatives from BLB approached us with the opportunity to extend our agreement to 2015 with optional termination dates every three years.

The number of firms offering liquidity have decreased in the past few years. The Landesbanks in particular have been offering aggressive pricing to build up their portfolios before they have to forego state guarantees after July 2005. Existing deals can be grandfathered in until 2015. This is an excellent opportunity to secure a 10 year liquidity facility with competitive pricing. After consultation and the recommendation of our Financial Advisor, Morgan Stanley, we recommend that the City Commission authorize the extension of the agreement until 2015 at the price of 16 basis points. This would place the cost of our liquidity facility lower than it is currently, and lock in the low cost for 10 years.

We also recommend that the Commission grant the authority to enter into subsequent extensions to the General Manager so long as we receive the favorable recommendation of its Financial Advisor and subject to the approval of the City Attorney as to form and legality.

Fiscal Note: Fees for this liquidity facility are a part of budgeted debt service costs.

RECOMMENDATION

The City Commission authorize: 1) The General

Manager to negotiate and execute a first amendment of the agreement dated January 10, 2000 with Bayerische Landesbank (BLB) to provide Bank liquidity backup for the Tax Exempt Commercial Paper program through November 30, 2015, with optional termination dates, subject to the approval of the City Attorney as to form and legality; and 2) Execute further contract extensions that may be allowed under the Amended Agreement subject to the favorable recommendation of GRU's Financial Advisor and subject to the approval of the City Attorney as to form and legality.

CITY ATTORNEY, CONSENT AGENDA ITEMS

040875

CHARLES CHIDO V. ROB KOEHLER AND CITY OF GAINESVILLE; UNITED STATES DISTRICT COURT CASE NO. 1:04CV377-MMP/AK (B)

Explanation: In October 2004, Charles Chiodo filed a lawsuit against Rob Koehler, individually, and the City of Gainesville alleging a violation of his civil rights. Rob Koehler is a police officer with the City. On May 11, 2004, Sergeant Koehler arrested Mr. Chiodo for exposing minors to a sign Sergeant Koehler believed was obscene. At the time, Mr. Chiodo was participating in a demonstration and carried a sign critical of President Bush.

A negotiated settlement has been reached that would resolve all claims against the City and Sergeant Koehler, pending approval by the City Commission. The City has already adopted a new policy regarding arrests for alleged obscenity that is now a part of the police department manual. A copy of the policy is attached. As a part of the settlement, the City has agreed to pay Mr. Chiodo \$12,000 as well as his attorney's fees and costs in the amount of \$4,600. Mr. Chiodo will dismiss with prejudice the case against the City and Sergeant Koehler. It is the recommendation of the Risk Management department, Sergeant Koehler's attorney and the City Attorney's Office that the case be settled as outlined above.

RECOMMENDATION

The City Commission 1) approve the terms of the settlement; and 2) authorize the City Attorney to settle the claims of Charles Chiodo on behalf of the City.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

040901

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of Monday, January 10, 2005; as circulated.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

040624

2005 Affirmative Action Plan (NB)

Explanation: The Equal Opportunity Director introduced the Agenda Item. There was a discussion of the plan with Equal Opportunity Office staff and members of the Affirmative Action Sub-Committee.

The Equal Opportunity Committee heard a presentation from staff on the 2005 Affirmative Action Plan on December 20, 2004

Fiscal Note: None at this time.

RECOMMENDATION

Equal Opportunity Committee recommends the City Commission accept the 2005 Affirmative Action Plan and remove this item from the Referral List.

Legislative History

11/8/04	City Commission	Referred (5 - 0 - 2 Absent)	Equal Opportunity Committee
12/20/04	Equal Opportunity Committee	Heard	

040874

Proposed Amendments to Chapter 8, Codes of Ordinances (NB)

Explanation: The Human Rights Board is in the process of adopting rules of procedure as necessary to conduct the business of the board. In the process of drafting the proposed rules of procedure, staff and the board recognized a need to recommend changes to Chapter 8 to improve the hearing process. Other minor procedural revisions would improve the processing of complaints. The Human Rights Board concurs to making these recommended changes

RECOMMENDATION

The City Commission authorize the City Attorney to prepare and the Clerk to advertise the ordinance.

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COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

040813**Create New Title Codes Enforcement Supervisor in the Occupational Index (B)**

Explanation: The Codes Enforcement Division has twelve Code Enforcement Officers supported by two staff assistants, all of who are supervised by one manager. Recently emphasis on enforcement has increased. To provide the level of service required, a new title (the Code Enforcement Supervisor) is requested to be added to the occupational index. This would allow the Codes Division to replace two Code Enforcement Officer positions with Code Enforcement Supervisors. These two supervisory positions would be added as vacancies occur in the Code Enforcement Officer positions. With more supervision, the Code Enforcement Officers will eventually be divided into five teams that would allow better monitoring of activities and their schedules could be changed from an eight-hour day, five days a week, to a ten-hour day, seven days a week; thus providing better coverage. Code Enforcement Officers would then be able to enhance personal contact with citizens that are not usually accessible during normal working hours. The ability to address roadside peddlers on the weekends is an additional anticipated benefit. The Codes Enforcement Division expects to provide better service and save on some expenses with these proposed changes. The current Codes Enforcement Division budget for postage and certified mail is \$9,500. Extended operational hours will enable Code Enforcement to hand deliver certified mail after hours and on weekends, thereby reducing postage cost. Extended operational hours will have the additional benefit of reducing the number of overtime hours required for officers to attend community meetings and events. Codes Enforcement Officers are currently compensated at CWA pay grade J (\$36,388 to \$44,936). The Pay Study Team has reviewed the proposed job description and recommends assignment of the new title to CWA pay grade L (\$42,051 - \$51,929).

Fiscal Note: This recommendation will not result in an immediate fiscal impact due to salary savings from staffing vacancies. However, there may be some long-term personal service expenses since the additional costs associated with a supervisory position are approximately \$5,940. It is believed that most of this additional expense will be offset by a reduction in overtime resulting from improved work schedules.

RECOMMENDATION

Personnel & Organizational Structure Committee recommend the City Commission approve the request to add the Codes Enforcement Supervisor to the Occupational Index.

Legislative History

1/4/05	Personnel and Organizational Structure Committee	Approved as Recommended
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REGIONAL UTILITIES COMMITTEE, CONSENT

040338**Regional Utilities Committee Referral Item #040338 - Underground Infrastructure Requirement (NB)**

Explanation: On March 15, 2004, the City Commission referred to the Regional Utilities Committee the issue of the feasibility of modifying the existing land development code to prohibit construction of overhead utility infrastructure in areas that have been constructed underground and to evaluate any needed modifications to the land development code that may be necessary to implement this requirement. Based on a presentation from staff at the January 6, 2005 RUC meeting, the Committee determined that there is no need to modify or add to existing ordinances to insure that existing areas with underground utilities remain underground. Upon review of existing ordinance requirements, limitations on regulations of this type and practical considerations the Committee determined that existing regulations are adequate to address this concern. The Committee further determined that GRU, BellSouth and Cox Cable all have policies that favor underground utilities in existing areas, and that it is unlikely that any residents or developers would allow overhead utilities to be installed in existing underground areas.

RECOMMENDATION

The City Commission remove item #040338, Underground Infrastructure Requirement, from the Regional Utilities Committee referral list.

Legislative History

1/6/05	Regional Utilities Committee	Recommended for Approval, as shown above
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040548**Regional Utilities Committee Referral Item #040548 - Power Outage - Special Needs Law (Megan Adam's Law) (NB)**

Explanation: On October 11, 2004, the City Commission referred to the Regional Utilities Committee the issue of power outages and a special needs law (Megan Adam's Law). On January 6, 2005 the Committee heard a presentation from staff regarding the impact of proposed legislation that would require prioritized restoration of medically essential utility service customers, sometimes known as a "Megan Adam's Law". Mr. Ray Bennett also attended this meeting and discussed this issue with the Committee.

RECOMMENDATION

The City Commission: 1) not adopt local legislation or endorse the adoption of statewide legislation that would impose additional service restoration requirements on public utilities; and 2) remove item #040548, Power Outage – Special Needs Law (Megan Adam's Law), from the Regional Utilities Committee referral list.

Legislative History

10/11/04	City Commission	Referred (7 - 0)	Regional Utilities Committee
11/18/04	Regional Utilities Committee	Deferred	
1/6/05	Regional Utilities Committee	Recommended for Approval, as shown above	

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

040894 Leadership General Government VI (NB)

Explanation: Each year applications are received from interested City employees who desire to participate in the Leadership General Government Program. From these applications and department head nominations, a class of 10-12 individuals is selected to complete the year-long program. Bob Woods, a member of the current class, will introduce the participants and review the program requirements.

Fiscal Note: None

RECOMMENDATION

The City Commission hear a presentation from Bob Woods representing Leadership General Government VI.

GENERAL MANAGER FOR UTILITIES

040879 Demand Side Management RFP, New Rebate Programs, and New School Curriculum (NB)

Explanation: In March 2004 GRU issued a request for proposals #2004-060. The objective of the RFP was to solicit Innovative Electrical Demand Side Management Programs. There were two ways to respond to the RFP; the first was to have a plan or process ready for implementation that would reduce demand for energy

and/or power on the GRU electric system. GRU would then pay the successful bidder(s) for actual performance based upon the realized and measurable reductions. The second way was to propose an innovative plan ready for business case development. The successful bidder(s) would fully develop the business plan for their ideas with a mini grant of \$7500.

In addition, six new conservation programs were implemented on January 3 and a pilot program on duct leakage is also underway. Staff has developed and will soon implement an Energy Conservation School Curriculum in several Alachua County elementary and middle schools.

Fiscal Note: Costs for these programs are included in the FY 2005-2006 O&M Budgets.

RECOMMENDATION

The City Commission hear a presentation outlining energy conservation efforts including results of the Demand Side Management RFP, the status of the New Conservation Rebate Programs, Duct Leak Pilot Program and Energy Conservation School Curriculum.

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

040162

Cultural Sensitivity Training (B)

Explanation: The equal Opportunity Committee recommended that the full City Commission hear the diversity awareness presentation after the Equal Opportunity Office researches other City's diversity awareness efforts

RECOMMENDATION

The Equal Opportunity Committee: 1) hear a presentation from staff on other City's diversity awareness efforts.

Legislative History

6/28/04	City Commission	Referred (6 - 1)	Equal Opportunity Committee
10/4/04	Equal Opportunity Committee	Heard	
12/20/04	Equal Opportunity Committee	Heard	

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COMMITTEE REPORTS (PULLED FROM CONSENT)

REGIONAL UTILITIES COMMITTEE

040240

Referral Item #040240 - Fire Hydrants Fees (B)

Explanation: During the July 22, 2004 Gainesville Regional Utilities budget meeting the issue of Fire Hydrant charges was raised and referred to the Regional Utilities Committee. This referral was first discussed at the August 19, 2004 Regional Utilities Committee. The Office of the City Attorney provided responses to legal questions raised at the October 14, and November 18, 2004, Regional Utilities Committee meetings. Gainesville Regional Utilities staff provided the results of the survey of Fire Hydrant charges in Florida at the November 18, 2004, Regional Utilities Committee meeting. The existing and potential mechanisms for Fire Hydrant charges were discussed at the November 18, 2004, Regional Utilities Committee meeting. The Regional Utilities Committee reviewed the current process for funding Fire Hydrants, and four other options. The Regional Utilities Committee directed staff to present options to the City Commission. The Regional Utilities Committee also directed that options should include similar considerations applied to streetlights. The options discussed by the Regional Utilities Committee are included in the staff report.

The Regional Utilities Committee recommends a thorough discussion by the Gainesville City Commission and the Alachua County Board of County prior to any determination that would result in a change to the 1990 Street Lights and Fire Hydrant Agreement.

Fiscal Note: Eliminating fire hydrant and streetlight charges will increase base rates of all customers by approximately 9.5 percent in the water system and approximately 1.3 percent in the electric system, and reduce General Fund expenditures by approximately \$3,000,000.

RECOMMENDATION

The City Commission: a) receive a written report on Fire Hydrants and Streetlights; b) hear a presentation on Fire Hydrants and Streetlights and provide direction to staff; and c) receive a written opinion by the City Attorney.

Legislative History

7/22/04	City Commission	Referred (6 - 0 - 1 Absent)	Regional Utilities Committee
8/19/04	Regional Utilities Committee	Discussed	
10/14/04	Regional Utilities Committee	Heard	
11/18/04	Regional Utilities Committee	Approved, as shown above	
1/6/05	Regional Utilities Committee	Recommended for Approval, as shown above	

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031228

Water and Wastewater Utilities Extension Policy - Referral Number 031228 (B)

Explanation: GRU's current extension policy is based on fundamental decisions reached in 1984 by the Gainesville City Commission that any costs associated with extending water and wastewater facilities to meet the needs of new customers should be borne by those new customers. Though GRU's extension policies and connection charges have changed over time, they are still based on the premise that "growth pays its own way". GRU's extension policy is consistent with the majority of policies of other utilities within Florida that either require developers to pay for extension costs, or recover the cost of extensions through connection charges or impact fees.

Water and wastewater extensions have two primary purposes as follows: 1) Provide service to new customers; and/or 2) Improve GRU's existing system.

Sometimes, extensions serve both purposes listed above.

Developers wishing to serve a proposed development from GRU's central water and wastewater system are required to pay for the minimum cost of extending service. Sometimes GRU will require facilities beyond the minimum facilities required to serve a new development. In such cases, GRU pays for oversizing and recovers such oversizing costs through connection charges.

GRU levies connection charges to recover the impact of new customers on GRU's capital facilities. GRU levies connection charges for the following items: 1) Water Meters; 2) Water Transmission and Distribution System; 3) Water Treatment Facility; 4) Wastewater Pump Station; 5) Wastewater Collection System; 6) Force Main Base System; and 7) Wastewater Treatment Facility.

Additionally, at the request of the local development community, GRU instituted a program in the late 1990s that rebates a portion of the cost of new lift stations and force mains installed by developers. The source of this rebate money is not GRU, but is in fact subsequent developers connecting to those facilities. The rebate program was approved by the City Commission as a means of equitably sharing the cost of new lift stations and force mains constructed by developers

to serve new growth.

Some water and wastewater extensions are constructed in whole or in part to address the needs of existing customers. These extensions provide parallel functionality to existing facilities, but sometimes are constructed along different routes due to cost or the availability of rights of way. Extensions constructed to meet existing system needs are funded with base rate revenues. When projects meet the needs of new developments as well as provide an overall system benefit, the project cost is split between base rates and either direct developer payments or funded through connection charges.

The provision of water and effective sewage treatment is considered one of the most important modern influences on planning and development in Ten Successes that Shaped the 20th Century American City by Laurence Gerken in 2000. However, extension of water and wastewater infrastructure without consideration of consequences has been one of the purported precursors to sprawled land use patterns. The Gainesville Regional Utilities extension policy ties the construction of new facilities to the growth plans outlined in the City of Gainesville and Alachua County Comprehensive Plans. The plans contain an adopted future land use map that reflects the intent of the elected officials for future development. Changes to this map and associated zoning must be made by the City and County Commission. Gainesville Regional Utilities long range capital planning is based upon the potential uses permitted in the future land use plan. This fulfils the recommendations of the Sierra Club publication titled "Sprawl Costs Us All: How Your Taxes Fuel Suburban Sprawl," which outlines the importance of fully funding extensions to avoid subsidy of utility infrastructure by existing customers. In Alachua Country speculative extensions of water and wastewater infrastructure do not occur if the proposed use is not permitted by the underlying land use and zoning.

RECOMMENDATION

The City Commission: 1) receive a presentation on the GRU water and wastewater extension policy; and 2) make findings that the GRU extension policy is appropriate; and, 3) determine that the primary influence on development patterns within the GRU water and wastewater service area are the future land use designations adopted by the current Alachua County and City of Gainesville Comprehensive Plans; and, 4) remove this item from the Referral List

Legislative History

4/26/04	City Commission	Referred (6 - 0 - 1 Absent)	Regional Utilities Committee
1/6/05	Regional Utilities Committee	Recommended for Approval, as shown above	

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ECONOMIC DEVELOPMENT/UNIVERSITY COMMUNITY COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES**MEMBERS OF THE CITY COMMISSION****040876****Annual Performance, Salary and Benefits Review for the City Attorney
(NB)****RECOMMENDATION**

The City Commission review the salary and benefits of the City Attorney and make any changes deemed appropriate and retroactive to the anniversary date.

COMMISSION COMMENTS**CITIZEN COMMENT****COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****040896****Recognition of Lt. Darrell W. Brown for the 2004 Fire Investigator of the Year Award (NB)**

Explanation: The Florida Fire Marshals' and Inspectors' Association (FFMIA) was formed in 1977 to unite for mutual benefit those public officials responsible for fire prevention through inspection, code enforcement, public education, and arson investigation. Each year, FFMIA selects one professional from a fire service organization in the state whose skills and service exemplify its goals and objectives, and who possess one of the following appointments: fire marshal, fire and life safety educator, fire inspector or fire investigator.

In the fall of 2004, Assistant Fire Chief Elmond Taylor nominated Lt. Brown, as the FFMIA Fire Investigator of the Year. Lt. Brown was selected for his outstanding contributions to the Gainesville Fire Rescue Department, the City of Gainesville, and the entire fire service community.

Lt. Darrell W. Brown has been employed with the City of Gainesville for 24 years, the last 20 of which have been with the Fire Rescue Department. Since 1998, Lt. Brown served as GFR's Fire Investigator, having achieved both firefighter and police officer certifications. Included among Lt. Brown's responsibilities are post-fire origin and cause determination, follow-up investigation, and closure of investigations by sworn complaint, arrest, internal

affairs investigation, critical incident stress debriefing, and inter-agency coordination for terrorism intelligence. He has also served as a member of the Regional Domestic Security Task Force.

To quote Assistant Chief Taylor in his nomination letter regarding Lt. Brown, "He puts tremendous thought into his work and is always willing to share his expertise and observations with other staff and other agencies. He has worked hard to develop the three fire inspectors that assist him to improve their post-fire investigative skills. Lt. Darrel W. Brown successfully walks the middle-ground between the two agencies he represents - fire and police."

Fiscal Note: None

RECOMMENDATION

The City Commission present Lt. Darrell W. Brown with the Florida Fire Marshals' and Inspectors' Association's Fire Investigator of the Year Award.

040883

Burn Awareness Week - February 6-12, 2005 (B)

RECOMMENDATION

City of Gainesville Fire Rescue Chief Richard Williams to accept the proclamation.

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040880

National Blood Donor Month - January 2005 (B)

RECOMMENDATION

LifeSouth Community Blood Centers Donor Recruitment Supervisor Jennifer Glymph and Branch Manager Wendy Enting to accept the proclamation.

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040881

Non-Native Invasive Plant Awareness Week - January 24-31, 2005 (B)

RECOMMENDATION

University of Florida Forester Erick Smith to accept the proclamation.

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040882

School Crossing Guard Appreciation Day - February 4, 2005 (B)

RECOMMENDATION

Gainesville Police Department Chief Norman B. Botsford and Police Service Technician Supervisor Ernestine Fletcher to accept the proclamation.

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PUBLIC HEARINGS**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****040409****URBAN SERVICES REPORT - UF FOUNDATION (B)****Ordinance No. 0-05-15**

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 located generally south of Tax Parcel 06714-000-000, west of the City Limits, SW 15th Place, SW 17th Place, and Tax Parcels 06699-000-000 and 06700-000-000, north of Tax Parcel 06712-001-000, and east of Tax Parcels 06711-000-000, 06711-001-000, SW 37th Street, and the City Limits; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

Explanation: The Alachua County Boundary Adjustment Acts 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 February 14, 2005. 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

9/13/04 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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040514

LAND DEVELOPMENT CODE AMENDMENT - DIRECTIONAL SIGNS FOR COMMERCIAL DEVELOPMENTS OVER 300,000 SQUARE FEET (B)

Ordinance No. 0-05-07; Petition 149TCH-04 PB

An ordinance of the City of Gainesville, Florida, creating subsection 30-318(h), City of Gainesville Code of Ordinances, allowing directional signage for non-residential developments with a minimum of 300,000 square feet of floor area under certain conditions; 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

In 1992, the City of Gainesville annexed the Oaks Mall and some of the surrounding area. The current zoning for the mall is BUS (general business district), while the current land use designation of the property is C (commercial). The sign provisions of the Land Development Code regulate signage for the property. The petitioner is requesting an amendment to allow larger directional signage.

Staff recommends that directional signs be allowed for large-scale non-residential developments that contain more than 300,000 square feet of floor area. Staff does not recommend limiting these signs to retail shopping facilities. Large office complexes and hospitals are examples of uses that may

have 300,000 square feet of floor area and where directional signs may be appropriate. Directional signs would not be exempt from the provisions of the sign regulations and would be subject to review just as other commercial signs are. Staff is also recommending that the method to measure sign area not be changed from the existing provisions. Under these provisions, the base of a monument sign counts towards the sign area unless the base area is sufficiently landscaped to screen it from view. This applies to up to 3 feet of the height of the base.

Public notice was published in the Gainesville Sun on October 5, 2004. The Plan Board held a public hearing October 21, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 149TCH-04 PB. Plan Board vote 5-0

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, February 14, 2005.

Fiscal Note: None

RECOMMENDATION

The City Commission (1) approve Petition 149TCH-04 PB and (2) adopt the proposed ordinance.

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040662

LAND DEVELOPMENT CODE AMENDMENT - SPORTING GOODS AND BICYCLE SHOPS AS ALLOWED USE BY RIGHT IN AUTOMOTIVE-ORIENTED BUSINESS DISTRICT (B)

Ordinance No. 0-05-11; Petition 183TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to the automotive-oriented business (BA) district; amending subsection (c) of section 30-62; adding Sporting Goods Stores and Bicycle Shops (IN 5941) as an allowed use by right in the Automotive-oriented business district; 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

This petition proposes to add, as a use by right, Sporting Goods Stores and Bicycle Shops (IN 5941 from the Standard Industrial Classification (SIC) Manual (1987 edition)) to the BA (Automotive-oriented business district) zoning district. Examples of the types of retail stores under this category are shops selling: ammunition, bicycle and bicycle parts, camping equipment, golf goods and equipment, playground equipment, sporting goods stores, and tennis goods and equipment.

While the BA district is primarily established to accommodate automotive sales,

services, and related activities, other commercial uses are allowed in the district. These include uses such as: building materials, hardware, garden supply and mobile home dealers (MG-52); home furniture, furnishings, and equipment stores; and hot tubs, swimming pools, whirlpool baths, retail only.

The BA district also permits the outdoor storage and sale of retail goods. Many of the uses under IN5941) would benefit from accessory outdoor storage and display of their goods. Examples are: camping equipment, golf goods and equipment, and playground equipment.

Planning staff finds that Sporting Goods Stores and Bicycle Shops are not incompatible with the automotive-oriented nature of the BA district, and many of these uses may need the accessory outdoor display, storage and sales provisions available under this district.

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

Public notice was published in the Gainesville Sun on November 16, 2004. Letters were mailed to owners of property zoned BA on November 17, 2004. The Plan Board held a public hearing December 2, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 183TCH-04 PB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If adopted on first reading; the second and final reading will be held on Monday, February 14, 2005.

Fiscal Note: None

RECOMMENDATION

The City Commission (1) approve Petition 183TCH-04 PB and (2) adopt the proposed ordinance.

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

RESOLUTIONS- ROLL CALL REQUIRED

040897

First Florida Governmental Financing Commission Revenue Bonds, Series 2005 (B)

Explanation: During the summer budget sessions, the City Commission conceptually approved \$1.2 million for facilities improvements. Staff indicated these funds would most likely be financed through a future First Florida Governmental Financing Commission (FFGFC) Bond Issue. Subsequently, staff has determined that it is also advisable to borrow an additional \$1 million for the construction of stormwater facilities, \$300,000 for capital projects in the

Eastside Redevelopment District, and \$250,000 for renovation to the Downtown Community Plaza and/or other City facilities.

The First Florida Governmental Financing Commission is currently planning to sell bonds in February with the proceeds to be distributed to the various borrowers in March. Passage of this resolution by the City Commission is required in order for the City to participate in the borrowing.

Fiscal Note: A twenty-year loan of approximately \$2.75 million will require an average annual debt service payment of approximately \$225,000. The loan will be repaid in proportionate amounts from the General Fund, the Stormwater Utility Fund, and Community Redevelopment Agency Funds.

RECOMMENDATION

The City Commission adopt the proposed Resolution.

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040900

Florida Strategy Subgrant for Hazardous Materials Tow Vehicle and Equipment Maintenance (B)

Explanation: The FY 04 State Homeland Security Grant Program has provided the State of Florida, Department of Community Affairs (DCA), Division of Emergency Management with grant funding administered through the Department of Financial Services and the Division of State Fire Marshal by way of Subgrant Agreements. The agreement is entered into as an addendum to the current statewide mutual aid agreement and is for the purpose of receiving specialized equipment and continued participation as a local and regional responder, or in the case of a declared emergency, a State of Florida Response Asset. The Gainesville Fire Rescue Department is prepared to participate in the State of Florida Terrorism Response System as one of Florida's 28 Hazmat/WMD Response Teams.

The City will be required to purchase and maintain equipment, goods and supplies for purposes specified under the program. The City shall replace and potentially be reimbursed through local, state, or federal reimbursement processes or agreements for all disposable goods and supplies expended for emergency response, training, or exercises conducted in accordance with the Florida Comprehensive Emergency Management Plan. The City will not be responsible for replacing goods or equipment that has reached the end of its normal life expectancy, or exceeded its posted shelf life.

The Department will be required to: 1) provide hazardous materials team response with appropriate equipment and personnel to incidents in their jurisdiction and region for as long as the agreement remains in effect; 2) retain sufficient records demonstrating compliance with the terms of the agreement for five years from the date the audit report is issued; and 3) submit an annual report by January 31st for the previous calendar year to verify the participation in the required activities and training status of the team, as well as condition and/or depletion of the equipment.

The Department will be given preference for additional funding of equipment

maintenance, replacement, or repair, as well as training and exercises. Parameters for additional funding have not been defined at this time. Without supplemental funding, it is expected the equipment may require funding for annual maintenance costs. These funds will be requested as a supplement to the department budget in future years beginning in FY2007.

Fiscal Note: Funding comes from the FY 04 State Homeland Security Federal Program grant. The agreement has an approximate value for the tow vehicle and maintenance of the monitoring equipment valued at \$79,950.91. The City is not required to match funding.

RECOMMENDATION

The City Commission: 1) adopt a resolution authorizing the acceptance of the State of Florida, Department of Community Affairs Florida Strategy subgrant funds for the State Homeland Security Grant Program; 2) authorize the City Manager to accept and execute the subgrant agreement, subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager to approve the required payments process for expending grant funds as needed.

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PLAN BOARD PETITIONS

031252

Amend the City of Gainesville Comprehensive Plan 2000-2010 Future Land Use, Transportation Mobility, and Concurrency Management Elements' Map Series and Legal Descriptions. Petition 78LUC-04PB (Related to Petition 79CPA-04PB) (B)

Explanation: In December 1999, the City adopted a Transportation Concurrency Exception Area (TCEA) to relieve the problems caused by a strict interpretation of transportation concurrency regulations and to encourage redevelopment.

This petition is related to Petition 79CPA-04PB, which provides the Comprehensive Plan text amendments to add a Zone C; provides amendments that clarify existing policies; and adds new policies to update the element. The detailed explanation for the proposed new TCEA Zone C and the how the proposal meets statutory requirements is in the Data and Analysis Report associated with Petition 79CPA-04PB.

Prior to the adoption of the original TCEA, the City could not issue development orders in several areas of the city because of inadequate roadway level of service. This, in turn, created an opportunity for urban sprawl since developments could be placed in the urban fringe because transportation concurrency could not be issued in certain city areas.

The recent annexation of the Archer Road/Southwest area has brought parcels into City limits that are on roadways nearing capacity based on adopted levels of service (when taking into account previously reserved trips). Under this

petition proposal, most of the Archer Road/Southwest annexation area would be added to a new Zone C (a portion of the area near Southwest Archer Road (within 1/4 mile south of Southwest Archer Road and east of Southwest 34th Street, plus parcels on the north side of Archer Road, east of Southwest 34th Street) were already added to Zone A). The intention of this petition is to take a proactive approach to transportation concurrency in this area because of impending LOS limitations. Southwest Archer Road from I-75 to Southwest 34th Street has now exceeded 85% of capacity when reserved trips are taken into account. Williston Road from I-75 to Southwest 13th Street also exceeds the 85% of capacity threshold based on the trips associated with the recently approved Shoppes of Williston Road (Publix shopping center) development and redevelopment of the I-75/Williston Road gas station (with added fueling positions).

The City Commission, at its October 27, 2003 meeting, voted to recommend addition of a portion of the Archer Road/SW annexation area into the existing TCEA, and further asked staff to analyze transportation concurrency solutions for the remainder of the SW Archer Road annexation area. Petitions 78LUC-04PB and 79CPA-04PB deal with that larger area. Staff has analyzed the various options available and determined that the best solution is to expand the existing Transportation Concurrency Exception Area and create a new Zone C with specially tailored regulations for the new zone that take into account the specific needs within the area.

The Plan Board heard the petition and recommended that it be approved, with the modification to the petition that Map 14 from the Data and Analysis Report supplement be added to the Concurrency Management Element Goals, Objectives and Policies (GOPs).

Public notice was published in the Gainesville Sun on November 16, 2004 and January 7, 2005. Letters were mailed to owners of property located within the proposed TCEA Zone C on November 17, 2004 and January 7, 2005. The Plan Board held a public hearing December 2, 2004.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 78LUC-04 PB. Plan Board vote 6-0

Staff to Plan Board - Approve

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Concurrency Management Element. Petition 79CPA-04PB (Related to Petition 78LUC-04PB) (B)

Explanation: This petition proposes amendments to the City's Comprehensive Plan to:

1. Amend policies in the Concurrency Management Element to add and implement a Zone C in the City's Transportation Concurrency Exception Area (TCEA). Related petition 78LUC-04PB provides the map amendments needed to add this area to the TCEA.

2. Amend policies in the Future Land Use Element and Capital Improvements Element to implement the Zone C expansion of the TCEA.

3. Change policies in the existing Concurrency Management Element to clarify and update certain policies and add policies to encourage redevelopment in certain areas.

Additions and amendments to the text and maps of the Goals, Objectives and Policies for the Concurrency Management Element, Future Land Use Element, and Capital Improvements Element will be made to implement the Zone C expansion of the TCEA.

Additions and amendments will be made to existing Data and Analysis Report for the Concurrency Management Element that updates it to include information about the proposed Zone C area.

The Plan Board heard the petition and recommended that it be approved, with the modification to the petition that the language of Policy 1.2.6 of the Concurrency Management Element be modified to include Map 14.

Public notice was published in the Gainesville Sun on November 16, 2004 and January 7, 2005. The Plan Board held a public hearing December 2, 2004.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 79CPA-04 PB. Plan Board vote 6-0

Staff to Plan Board - Approve

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031256

Amend the City of Gainesville Future Land Use Map for annexed properties from Alachua County located in the vicinity of and including 2521 Southwest Williston Road. Petition 24LUC-04 PB. (Related to Petition 25ZON-04PB). (B)

Explanation: This petition is related to zoning petition 25ZON-04 PB. The purpose of this petition is to apply City of Gainesville land use categories to land that was annexed into the City in 2003. Land use districts are recommended that match those of the existing Alachua County districts or that are felt to be the most appropriate for the property based upon location, surrounding development and other factors. The county land use designation of each property will remain in effect until this proposed amendment has been adopted.

The annexed area includes six parcels that total approximately 182 acres. Oak Hammock at the University of Florida occupies 137 acres of the total, on the south side of Williston Road, just west of the intersection of Southwest 23rd Street and Williston Road. Oak Hammock is a full service, continuing care retirement community that includes a mix of residential types including apartments, duplexes and single-family dwellings, as well as various health care facilities and commercial uses intended to serve the residents. The Alachua County land use designation for Oak Hammock is Residential (2-4 dwelling units per acre) with a County zoning designation of PD (Planned Development). The requested land use amendment is from Alachua County Residential (2-4 dwelling units per acre) to the City of Gainesville land use designation of O (Office).

Three of the annexed properties are located along the south side of Williston Road. These properties, along with several other properties that lie to the west along Williston Road, buffer the Oak Hammock development from Williston Road. Two of the properties are five-acre tracts that have a current Alachua County land use designation of Residential (2-4 dwelling units per acre). The current Alachua County zoning designation is R-1A (Single-family, low density). One of these properties is vacant while the other property has a single-family dwelling unit. The third property is approximately 13.88 acres and has an Alachua County land use designation of INST (Institutional), and an Alachua County zoning designation of A (Agriculture). It is currently vacant and is

owned by the Diocese of St. Augustine. The proposed land use change is from Residential (2-4 dwelling units per acre) and INST to the City of Gainesville land use designation of O (Office).

The recommended Office land use designation is similar in character to the Alachua County land use category of Office/Residential (4-8 dwelling units per acre). The Office land use category identifies areas that are appropriate for office and residential uses. It identifies appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses.

The remaining area under consideration is a utility easement located along the eastern boundary of the Oak Hammock development and part of a property that houses a Florida Power substation. The current Alachua County land use designation is Residential (2-4 dwelling units per acre), while the existing zoning on these properties is R-1A (Single-family, low density). Each property is part of a larger parcel. The requested land use amendment is from Residential (2-4 dwelling units per acre) to SF (Single Family, up to 8 units per acre).

The existing character of the area will not be negatively impacted by this proposal. The Oak Hammock site is a new development. Two of the three parcels on Williston Road are vacant, while the third has a single-family dwelling unit. The utility easement is vacant except for a dirt road that leads to the Florida Power substation. The proposed land use and subsequent zoning categories are compatible with the surrounding areas.

This area is within the Alachua County Idylwild/Serenola Special Area Plan. The policies of this special area plan were added to the City of Gainesville Future Land Use Element of the comprehensive plan several years ago after annexation of the 44-acre Kidd property and the update of the land use element of the comprehensive plan. Oak Hammock has clustered some of its development to leave significant upland areas undisturbed. Future development of the three parcels on Williston Road will have to comply with the policies of the Idylwild/Serenola Special Area Plan as well.

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

Public notice was published in the Gainesville Sun on November 16, 2004 and January 7, 2005. Letters were mailed to surrounding property owners on November 17, 2004 and January 7, 2005. The Plan Board held a public hearing December 2, 2004.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 24LUC-04 PB. Plan Board vote 6-0

Staff to Plan Board - Approve

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031257**(Quasi-Judicial) Rezone annexed properties from Alachua County located in the vicinity of and including 2521 Southwest Williston. Petition 25ZON-04 PB. (Related to Petition 24LUC-04PB) (B)**

Explanation: This petition is related to land use petition 24LUC-04 PB. The purpose of this petition is to apply City of Gainesville zoning designations onto land that was annexed into the City in 2003. Zoning districts are recommended that match those of the existing Alachua County districts or that are felt to be the most appropriate for the property based upon location, surrounding development and other factors. Each property's county zoning district will remain in effect until this proposed rezoning has been adopted.

The Alachua County zoning designation for Oak Hammock is PD (Planned Development), with a County land use designation of Residential (2-4 dwelling units per acre). The requested zoning change is from Alachua County PD to the City of Gainesville zoning designation of PD (Planned Development).

Three of the annexed properties are located along the south side of Williston Road. These properties, along with several others that lie to the west along Williston Road, buffer the Oak Hammock development from Williston Road. Two of the properties are five-acre tracts that have a current Alachua County land use designation of Residential (2-4 dwelling units per acre). The current Alachua County zoning designation is R-1A (Single-family, low density). One of these properties is vacant while the other property has a single-family dwelling unit. The third property is approximately 13.88 acres and has a current Alachua County land use designation of INST (Institutional), and a current Alachua County zoning designation of A (Agriculture). It is currently vacant and is owned by the Diocese of St. Augustine. The proposed zoning change is from R-1A and A to the City of Gainesville zoning designation of OF (General office district).

The recommended OF zoning designation is similar in character to the Alachua County zoning district RP (residential/professional district). The five properties that lie along the southern portion of Williston Road, immediately west of the A designated church property, are zoned RP, and the OF designation would be a continuation of the trend.

The remaining area under consideration is a utility easement located along the eastern boundary of the Oak Hammock development and part of a property that houses a Progress Energy substation. The existing zoning on these properties is R-1A (Single-family, low density), while the current Alachua County land use designation is Residential (2-4 dwelling units per acre). Each property is part of a larger parcel. Because the land is split between Alachua County and the City of Gainesville, it was felt that the proposed City zoning designation should be as close as possible to the Alachua County zoning designation. The requested zoning change is from R-1A to RSF-1 (3.5 units/acre single-family

residential district).

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

Public notice was published in the Gainesville Sun on November 16, 2004 and January 7, 2005. Letters were mailed to surrounding property owners on November 17, 2004 and January 7, 2005. The Plan Board held a public hearing December 2, 2004.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 25ZON-04 PB. Plan Board vote 6-0

Staff to Plan Board - Approve

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040665

(Quasi-judicial) Oak Hammock at The University of Florida, Inc. Petition 184PDA-04 PB. (B)

Explanation: Oak Hammock at the University of Florida was approved within Alachua County in February of 2000 with certain conditions. Since that time, Phase I of the development has been constructed. This petition is intended to amend the conditions to reflect the current situation on the property and address connectivity issues with adjacent parcels that were also annexed into the City.

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

Public notice was published in the Gainesville Sun on November 16, 2004 and January 7, 2005. Letters were mailed to surrounding property owners on November 17, 2004 and January 7, 2005. The Plan Board held a public hearing December 2, 2004.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 184PDA-04 PB. Plan Board vote 6-0

Staff to Plan Board - Approve

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

040895**Southeast Gainesville Renaissance Initiative (B)**

Explanation: On December 6, 2004, the City Commission requested staff to research a request for proposals for a transactional consultant and also directed staff to research a request for proposals for a planning consultant for a master plan and housing development initiative for southeast Gainesville, focusing on mixed-income development by both the public and private sector on various parcels in southeast Gainesville.

Housing staff has reviewed the steps that would be involved in an action plan up through the planning and funding stages. Many of these steps would be pursued simultaneously or would overlap. Here are some of the major steps being planned:

Funding: Present the federal and state agendas to elected officials and committees, in order to seek initial funding for land acquisition and for predevelopment and development on parcel(s) the City may acquire

Consultants: Obtain Commission approval to issue a request for proposal to hire a financial consultant and planning consultant and conceptual approval on using Commission contingency funds for consultants; issue request for proposals to hire the consultants; review responses to the RFP, confirm consultant funding availability given final consultant prices, and hire consultants

Planning: Develop master plan (with planning consultant's assistance and neighborhood input); present proposed master plan to City Commission

Property acquisition: Contact property owners about their willingness to sell; appraise one or more parcels and obtain option contracts on one or more parcels; negotiate option prices and purchase price on one or more parcels (focusing first on those with potential sales prices affordable with current funding levels); complete due diligence (environmental and other review) on parcels; petition for land use and zoning changes; close on one or more parcels

Additional funding sources: Analyze market and identify potential grant funding (with financial consultant's assistance); prepare and submit grant applications (with financial consultant's assistance)

Predevelopment: Initiate subdivision plat and/or site plan process

These steps would take the City to the point where we would be awaiting response on grant applications submitted to various agencies, and if funding is approved, beginning to plan the predevelopment stage (subdivision application and approvals, infrastructure, soft costs).

Housing staff has reviewed the options for a financial consultant, and recommends that the City issue a request for proposals to assist in obtaining

grant funding and in developing market analysis and the project pro formas. The request for proposals would identify the following scope of work for the financial consultant: identifying potential sources of grant funding; assisting in preparing grant applications; structuring project financing; coordinating completion of all requirements of the grantor; and preparing bid and RFP proposals for developers. Financial consultants for large-scale residential developments frequently charge in the range of \$125,000. Staff would make every effort to generate an RFP with the understanding that, due to budget constraints, the City's goal would be to hire a consultant in the range of \$25,000 to \$50,000 plus expenses.

Planning staff has researched the options for a planning consultant. Since Plan East Gainesville already provides a large-scale plan for a vision and for certain projects and changes on the City's east side, this master plan would be a more detailed, implementation oriented master plan for a specific portion of the Plan East Gainesville plan. Staff has reviewed the Broad Creek Revitalization and Implementation Plan being undertaken in Norfolk, Virginia. The Broad Creek plan focuses on a comprehensive acquisition strategy that addresses land acquisition, business/residential relocation, demolition and clearance. Another part of the plan discusses residential market positioning, validating the residential products types and the level of change needed to stimulate demand for the housing that would be proposed in the area.

Staff's recommendation for the Southeast Gainesville Renaissance plan is to do a phased master plan that focuses, in its first phase, on vacant properties in the vicinity of Southeast 15th Street and 8th Avenue. The master plan should be specific about development types, including conceptual layout of infrastructure and buildings, and including conceptual renderings of housing types, for parcels that have potential for acquisition by the City. In its second and later phases, the plan should include less detailed conceptual layouts and renderings on the other vacant properties, less likely to be acquired and developed by the City, in order to stimulate private development of the desired types on those properties. Portions of the development could be done through a design-build approach. The City could also seek partners such as the School Board in order to encourage improvements on publicly owned properties.

Hiring a national design expert such as Urban Design Associates, that typically does master planning projects of this type on a full-blown scale for large cities, would cost approximately \$125,000. A mid-range scope could put more emphasis on the conceptual layout and renderings for whatever parcels the City acquires and plans to develop itself, with the later phases rendered very conceptually - labeled as to uses and with loose drawings of housing types to spur interest by the private sector with reduced consultant cost -- and could be accomplished for approximately \$25,000. Done in the most limited fashion, the planning and design work would be done only on the parcels the City wishes to acquire and develop, which could be done for as little as \$10,000, but would be far short of the Broad Creek plan.

Fiscal Note: Funds for a financial consultant and master planning consultant would need to be from City contingency funds or included in the summer 05-06 budget discussion. Limited, smaller scale acquisitions (one or two parcels of smaller scale) may be funded from the Housing Division's HOME budget if appropriate

budget transfers were made.

RECOMMENDATION

Authorize staff to initiate RFPs for a financial consultant and planning consultant to be funded from City Commission contingency funds, with the intention of a proposed budget of approximately \$25,000 to \$50,000 plus expenses for the financial consultant and \$25,000 plus expenses for the planning consultant.

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040503

Development Review Process Recommendations (B)

Explanation: Following the visit by City officials to Norfolk, Virginia, the City Commission established several committees to formulate recommendations regarding action items to implement in Gainesville. One committee was the City Government Committee, which has developed several recommendations about City government and processes. One of the City Government Committee's recommendations was to amend the development review process. The City Government Committee made its recommendations to the Economic Development/University Community Committee (EDUCC), which heard the recommendations and then discussed them twice more, on October 5, 2004 and December 8, 2004. The Community Development Committee (CDC) also expressed interest to the City Commission in reviewing the recommendations so that it could make its own recommendations to the City Commission. The CDC discussed the proposed changes several times, most recently at its January 6, 2005 meeting.

The City Government Committee recommended that staff provide more information to citizens participating in the first step process about what materials they could bring to first step in order to have the most productive first step meeting. This has been implemented. The City Government Committee also recommended that staff develop a firm cycle for minor reviews (the staff-level reviews of smaller projects), with clear cut-off dates and turnaround times, just as the City has for larger projects that go to the Development Review Board (DRB). This has also been implemented.

The City Government Committee recommended eliminating neighborhood meetings. (The Committee is proposing a different type of informal early meeting on design input for projects in some areas.) The Committee recommended creating a consent agenda process for the Development Review Board, much like the City Commission has for items unlikely to generate controversy or need discussion.

The City Government Committee recommended that the development review process be restructured. The Committee's recommendation is that, like now, the City offer a first step meeting at the beginning of the process. The Committee also recommended that thresholds be raised so that projects of considerably larger size be reviewed and approved administratively by staff, so that only projects of 20 houses or more, 50 multifamily units or more, 10,000 or more

square feet of commercial, or 5 acres or more of industrial, go to the DRB for discussion and hearings. The City Government Committee recommends that projects in the urban core (those covered by the Special Area Plans or within the Community Redevelopment Agency districts) be required to meet with a landscape architect or architect (the City would probably need two of each on contract in order to avoid conflicts on specific projects) at the Florida Community Design Center. The meeting could take place prior to application, anytime up to staff's technical review of the application, at the petitioner's convenience as to when the input would be the most productive. The meeting would be suggestions-only. The petitioner could choose any of the meeting times which would be regularly scheduled and noticed, either once every two weeks or once a month at the Design Center, whichever the need turns out to be. Finally, the City Government Committee recommended slotted positions (particular backgrounds) for the DRB members.

The recommendations of the City Government Committee are summarized in a PowerPoint printout and the proposed changes to the development review process are shown on a chart. Community Development Director Tom Saunders also summarized the City Government Committee's proposed changes in a memorandum dated December 8, 2004.

EDUCC discussed the recommendations and moved them forward to the City Commission. Areas of discussion included a need for staff to be able to "bump" projects of particular concern to the DRB, even if the project does not meet the thresholds. No formal action was taken on this issue; however, there was discussion that mid-size projects would be on DRB consent and that a DRB member could pull the item to the discussion agenda if there are concerns. The EDUCC discussed possible changes to the slotted positions for the DRB members and including a citizen at large position. A change from the City Government Committee recommendations was that EDUCC asked staff to review the consent agenda recommendation with the City Attorney's office, and EDUCC ultimately supported a consent agenda only for DRB and not for the City Plan Board.

The CDC met after EDUCC, so their recommendations are in the form of adjustments and are listed below. (The CDC discussed this item under Design Review Process, Legistar item number 002555.)

Fiscal Note: Under the proposal, staff could handle as many as 35 additional developments per year as minor reviews without DRB discussion and hearing. Staff reassignments would be made as needed to increase the number of planning staff involved in development review. The City would also need to enter into a contract with architects and landscape architects - probably two of each in order to avoid conflicts. Costs for such contracts would need to be proposed in this summer's budget discussion for the 05-06 budget year. The Florida Community Design Center has indicated that it could make space available at the Design Center under this year's contract within the already approved annual contract amount.

RECOMMENDATION

Economic Development Committee to the City Commission: The City Commission adopt the City Government Subcommittee's recommendations for the

development review process: 1) provide additional information to first step applicants; 2) create a cycle for minor reviews; 3) eliminate neighborhood meetings; 4) create a consent agenda process applicable to the Development Review Board; and 5) restructure the development review process as indicated.

Community Development Committee to the City Commission: Approve with the following modifications: 1) use the nomenclature "restructure" the neighborhood meeting requirement rather than "eliminate" it, and for projects outside the special area plan/CRA areas that meet current criteria for requiring neighborhood meetings, send notices to those within 400 feet offering the meeting rather than requiring it automatically, eliminate the newspaper ad for the meeting, and use a modest notice period for the meeting; 2) require the DRB to move items from consent to discussion if there is a citizen request; 3) continue to require that all subdivision plats except minor subdivisions, as now, be reviewed by the DRB, rather than using a 20-lot threshold for single-family subdivisions; 4) use 25 units rather than 50 as the multi-family cut-off; 5) use 10,000 square feet rather than 5 acres for the industrial cutoff; 6) include natural scientist and citizen slots on the DRB; and 7) include all projects over current cutoffs but under the proposed cutoffs on the DRB consent agenda, and remove the item called "Advisory Boards and Committees - Review of Large Site Plan (030266) from the referral list.

Legislative History

10/5/04	Economic Development/Univ ersity Community Com	Discussed
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UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT

ADJOURNMENT - 11:30 PM