

# **City of Gainesville**

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



## **Meeting Agenda**

**May 23, 2005**

**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 - 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

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 040465

### **US Fire Administration Fire Prevention and Safety Grant (NB)**

*Explanation: On September 27, 2004, the City Commission authorized staff to apply for the U. S. Fire Administration's Assistance to Firefighters Grant Program for Fire Prevention and Safety. A portion of the grant application has been approved to implement the Federal Emergency Management Agency's (FEMA) Risk, Hazard, and Value Evaluation (RHAVE) program.*

*The RHAVE grant meets a significant City goal - improved planning for future services by modeling service demands. RHAVE is a data model to forecast levels of service based on demographics, socio-economic factors, occupancy risk, and fire management zones. Gainesville Fire Rescue will add the data to the Geographic Information System (GIS) mapping program to evaluate emergency management needs, pre-planning, public education, and inspection priorities. Data will be shared with other entities and City departments such as Community Development, Building Inspections and the Gainesville Police Department.*

*Fiscal Note: The RHAVE Project was approved for a total cost of \$58,000 with a federal award of \$40,600 (70%) and a local match of \$17,400 (30%). Funds for the 30% local match require an FY 2005 budget amendment.*

*The Fire Department has advised that the \$13,700 requested from contingency*

for the 2003 Assistance to Firefighter Grant would not be needed and could be used for this project, leaving a need of \$3,700.

**RECOMMENDATION**

*The City Commission: 1) accept the \$40,600 grant award from The US Fire Administration; 2) authorize the Interim City Manager to execute all necessary documents; and 3) replace the \$13,700 originally transferred from city commission on 3/28/05 for the 2003 AFG grant and add an additional \$3,700 from the City Commission Contingency.*

**Legislative History**

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

**050014**

**Application for FY 2005 HUD Continuum of Care Homeless Assistance Program Funding (NB)**

*Explanation: Since 1995, the City of Gainesville has coordinated with other Gainesville/Alachua County organizations to submit applications for funding under HUD's Continuum of Care Homeless Assistance Program. Each annual application has competed successfully with the results being eleven projects, along with multiple renewals, funded in the past ten years.*

*Local organizations again have an opportunity to apply for homeless assistance funding through HUD. Two projects, for which the City has served as the "lead agency" or grantee, are included in this year's consolidated application:*

- 1. A request for the Meridian Behavioral Healthcare, Inc. "HOPE" Program, for a \$99,101 one-year renewal. This project provides supportive services and houses up to 11 mentally ill and dually diagnosed homeless individuals at leased scattered sites and was initially funded in 1995.*
- 2. A request from VETSPACE, Inc., project sponsor, for \$106,215 for a one-year renewal to provide supportive services and house up to 12 homeless veterans in transitional housing at leased scattered sites. This project was initially funded in 1999.*

*These projects have been developed in collaboration with over 30 participating agencies and organizations, including the City of Gainesville, that are part of the Alachua County Coalition for the Homeless & Hungry. The Coalition has taken the lead in submitting the consolidated application. If funded, the City would act as the fiscal agent for the receipt and disbursement of grant funds for two of the projects, the Meridian Behavioral Healthcare "HOPE" Program and VETSPACE transitional housing projects via subrecipient agreements.*

*The deadline for submitting this application to HUD is June 10, 2005.*

*Fiscal Note: This application requests \$205,316 in funding from HUD for two projects. The City of Gainesville would act as the fiscal agent for both projects, and all*

required matching funds will be provided by the project sponsors.

**RECOMMENDATION**

*The City Commission: 1) authorize the Interim City Manager or designee to apply for grant funding in collaboration with the Alachua County Coalition for the Homeless and Hungry under the U.S. Department of Housing & Urban Development (HUD) Continuum of Care Homeless Assistance Program and to act on behalf of the City of Gainesville in all matters pertaining to said grants; and 2) authorize the Interim City Manager to execute subrecipient agreements with Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc. if selected by HUD to receive funding through the Continuum of Care Homeless Assistance Program, subject to approval by the City Attorney as to form and legality.*

**050017**

**New Flood Insurance Rate Maps (NB)**

*Explanation: The Federal Emergency Management Agency (FEMA) has issued Preliminary Flood Insurance Rate Maps (FIRM) and a Flood Insurance Study (FIS) for Alachua County in a new single county wide format. In the past, separate map sets were produced for each incorporated community and the unincorporated areas of the County participating in the National Flood Insurance Program. All flood information, including floodway information, is now included in the one set of Preliminary FIRMs for Alachua County.*

*FEMA provides communities with an opportunity to review new FIRMs before they become final, and to file appeals if someone believes the maps/studies are scientifically or technically incorrect. FEMA will start the appeal period by publishing a notice of the proposed new or revised 100-year flood elevations called base flood elevations (BFEs) in the Gainesville Sun and in the Federal Register. The newspaper notice will be published twice. The second publication will take place about a week after the first. The 90-day appeal period begins on the date of the second publication. The first notice is expected to run within the next few weeks.*

*During the appeal period, community officials and individual property owners may appeal the proposed BFEs by submitting data to show that the BFEs are scientifically or technically incorrect. During this period the City of Gainesville will submit new flood studies for Sweetwater Branch and Tumblin Creek. It should be noted that in other areas of the City, community determined flood information is available and will be used to supplement the information presented on the FIRMs. After the 90-day appeal period has elapsed and any Appeals have been resolved, FEMA issues a final BFE determination letter.*

*A community official or individual property owner may wish to object to information shown on the FIRM or in the FIS report that does not involve the*

*proposed BFEs. This type of objection is called a Protest. Protests will generally involve changes to floodplain boundary delineations, corporate limits, and roads and road names.*

*Appeals and Protests should not be submitted directly to FEMA. Appeals and Protests should be submitted to the Interim City Manager or a designated community official (CO). The CO will review the submittals and forward them to FEMA with a statement as to whether the community supports them.*

*FEMA will give communities an additional 6 months following the letter of final BFE determination in order to revise the local floodplain ordinance to reference the new FIRMs. Following this 6-month period the FIRMs will be published and become effective. The new Alachua County FIRMs are expected to become effective approximately one year from now.*

*Copies of the Preliminary Flood Insurance Rate Maps and Flood Insurance Study are available for review in the Public Works Administration office located in the Thomas Center and at the Alachua County Library. A 90-day appeal period will begin following the second public notice to appear in the Gainesville Sun and the Federal Register. Following the appeal period, the Flood Insurance Rate Maps will be presented to the Commission for formal adoption.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission authorize: 1) the Interim City Manager to designate a Community Official; 2) the Community Official to prepare all documents necessary to comply with the Flood Insurance Rate Map Amendment process; and 3) the City Attorney to prepare ordinance amendments to reflected the adoption of the Final Flood Insurance Rate Maps and Flood Insurance Study.*

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

### **050026**

#### **Murphree Water Treatment Plant North Wellfield Well 14 and 15 Raw Water Pumping Facilities (B)**

*Explanation: The City Commission approved the purchase of the Wellfield Conservation Easement on October 25, 1999 to provide locations for the siting of additional production wells to meet increasing water demands. On February 11, 2002, the City Commission approved a contract for the construction of two production wells which included the lease of temporary raw water pumping equipment to be used until such time that GRU could determine the actual pumping capacity of the wells prior to purchasing the permanent pumping equipment.*

*The actual well capacity has been determined and GRU recommends construction of the permanent raw water pumping facilities at Wells 14 and 15*

to replace the equipment that is currently being leased. This project will enhance GRU's ability to reliably supply raw water to meet the needs of GRU's growing water system customer base.

Invitations to bid for the Murphree WTP North Wellfield Wells 14 and 15 Raw Water Pumping Facilities were sent by Utilities Purchasing to the three known companies that perform this type of work, with two responding. A tabulation of the bids received is attached for your information. The recommendation includes authorization for staff to procure other materials, equipment and services as required to complete the Wells 14 and 15 Raw Water Pumping Facilities project. Any additional purchases will be made in accordance with the Purchasing policies.

*Fiscal Note:* Funding for this work is in the FY 2004 - 2005 Water/Wastewater Systems budget.

**RECOMMENDATION**

The City Commission 1) authorize the General Manager, or his designee, to execute a contract with Rowe Drilling Company, Inc. to construct the permanent pumping facilities required for Wells 14 and 15 in association with the Murphree Water Treatment Plant North Wellfield Expansion, 2) approve the issuance of a purchase order to Rowe Drilling Company, Inc. in an amount not to exceed \$1,551,804.00, and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted.

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**050027**

**Force Main Crossing at NW 34th Street by Horizontal Directional Drilling (B)**

*Explanation:* An existing 18-inch iron pipe force main that crosses under NW 16th Avenue developed a leak which W/WW Engineering determined to be caused by corrosion of the pipeline crown by sewer gases. GRU WW Collection Crews effected temporary repairs to the pipeline, but it was also determined that approximately 300 additional feet of the existing 18-inch iron pipe requires replacement due to the corrosive action of sewer gases. This project provides for constructing approximately 300 feet of new 18-inch diameter high density polyethylene (HDPE) pipe to replace the corroded section of iron pipe. In order to minimize disruption of traffic flow at the project site, the new force main segment will be installed under NW 16th Avenue using horizontal directional drilling methods. GRU has applied for the required Florida Department of Transportation and Florida Department of Environmental Protection construction permits.

Written price quotations were obtained from the two known horizontal directional bore contractors that have successfully performed work for GRU. The lowest quotation was submitted by Peters Utilities, LLC. The recommended approval amount includes contingency funds in the amount of \$11,000 for the

*possibility of unknown underground conditions that may adversely impact construction progress and impact other aspects of the project cost. A tabulation of the quotations is attached for your reference.*

*Fiscal Note: Funding for this work is in the FY 2004 - 2005 Water/Wastewater Systems budget.*

**RECOMMENDATION**

*The City Commission approve the issuance of a purchase order to Peters Utilities, LLC. for construction of an 18-inch force main crossing under NW 16th Avenue along NW 34th Street in an amount not to exceed \$45,000.*

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**050028**

**FDOT SR 26A Roadway Reconstruction Project - Water Main and Force Main Crossings by Horizontal Directional Drilling (B)**

*Explanation: An existing 12-inch iron pipe water main and 10-inch iron pipe force main cross under Hogtown Creek adjacent to the SW 2nd Avenue roadway bridge that crosses the creek. The FDOT SR 26A roadway reconstruction project includes widening of the existing bridge. The additional bridge width and associated new pilings will result in the existing 12-inch and 10-inch pipelines being located underneath the expanded bridge cross-section. The FDOT is requiring GRU to relocate the two existing pipelines as part of the approved FDOT Utility Work Schedule. To provide for possible future growth, GRU has determined that approximately 450 feet of 16-inch water main and 450 feet of 12-inch force main will be installed using high density polyethylene (HDPE) pipe. The new pipeline crossings will be constructed under Hogtown Creek using the horizontal directional drilling method which has been approved by the St. Johns River Water Management District. GRU has applied for the required Florida Department of Transportation and Florida Department of Environmental Protection construction permits.*

*Written price quotations were obtained from the two known horizontal directional bore contractors that have successfully performed work for GRU. The lowest quotation was submitted by Peters Utilities, LLC. The recommended approval amount includes contingency funds in the amount of \$19,000 for the possibility of unknown underground conditions that may adversely impact construction progress and impact other aspects of the project cost. A tabulation of the quotations is attached for your reference.*

*Fiscal Note: Funding for this work is in the FY 2004 - 2005 Water/Wastewater Systems budget.*

**RECOMMENDATION**

*The City Commission approve the issuance of a purchase order to Peters Utilities, LLC. for construction of a 16-inch water main and a 12-inch force main crossing under along SR 26A (SW 2nd Avenue) in an amount not to exceed \$70,000.*

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**050029****Award Contract for the Installation of a Natural Gas Metering and Regulating Station (B)**

*Explanation:* Natural gas service to the northern portion of the GRU service area is largely dependent on one connection to the Florida Gas Transmission pipeline. Continued customer growth and/or equipment failure could severely limit, if not preclude, GRU's ability to provide and/or maintain reliable gas service. The installation of a new metering and regulating station appended to the existing gas yard at the Deerhaven Generating Station will add a new source for this service area and substantially increase the operational flexibility and reliability of the natural gas distribution system.

Plans and specifications were submitted to three prospective bidders for the prefabrication and installation of the proposed station. All three bidders responded to the prefabrication section of the bid with TPW providing the lowest bid. TPW was the only bidder to respond to the installation portion of the bid. The installation portion of the bid was evaluated against projected costs if GRU was to commit the internal resources necessary to construct the station. In that the TPW bid for installation is cost effective, staff desires to award the installation portion of the bid to TPW as well. This will substantially reduce the impact to limited internal resources. Awarding the entire contract to one bidder has the added benefit that one entity is responsible for the successful and timely completion of this project.

*Fiscal Note:* Funds for this project are available in the FY 2005 Energy Delivery Capital Budget

**RECOMMENDATION**

The City Commission authorize the General Manager, or his designee, to negotiate and execute a contract with Tampa Pipe & Welding, Inc. (TPW) in an amount not to exceed \$245,052 for the purchase and installation of the Natural Gas Metering and Regulating Station at Deerhaven Generating Station.

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**050030****ConnectFREE Program (NB)**

*Explanation:* ConnectFREE is a program designed to provide funding for low-income neighborhoods that want to convert homes from untreated well water to the GRU potable water supply system. The program also covers extension costs, connection fees, meter charges, and on-site plumbing costs. Funding for this program is being made available through the Alachua County SHIP Program.

Neighborhoods located outside the corporate limits of Gainesville, but within the GRU service area, may be eligible for ConnectFREE. The selection of participating neighborhoods will depend on the number of families that qualify for SHIP funding based on total family income and the availability of SHIP funds.



*Once an interested family's application is approved, conversion will occur at no cost to the property owner. The household will receive a monthly water bill, once the family begins using GRU water.*

*Only owner occupied homes are eligible for the program. Total family income must fall within State of Florida low and very low-income criteria to be eligible for ConnectFREE.*

*Fiscal Note: Funding for the program in the amount of \$62,000 will be provided through an Alachua County SHIP Single Family Housing Development Program Subrecipient Agreement. There is no fiscal impact to GRU.*

**RECOMMENDATION**

*The City Commission authorize the Mayor or her designee to execute a contract with the Alachua County Board of County Commissioners to provide water service to low- to very-low income families residing on SE 50th Street, bordered by SE Hawthorne Road to the South, SE 49th Drive to the west, and SE 51st Street to the east, for an amount not to exceed \$62,000.*

**050034**

**Membership Agreement with Colectric Partner's Inc. (NB)**

*Explanation: JEA (formerly Jacksonville Electric Authority), the Municipal Electric Authority of Georgia (MEAG), Nebraska Public Power District (NPPD), and South Carolina Public Service Authority (Santee Cooper) have formed a Georgia, not-for-profit corporation known as Colectric Partners, Inc., (Colectric) with its principal offices in Jacksonville, Florida. The primary purposes of Colectric, whose membership is restricted to governmental instrumentalities which are either political subdivisions or electric utilities as provided under Section 115, Internal Revenue Code of 1986, are to share resources such as personnel, information and equipment, and provide for the procurement of resources on behalf of some or all of the members in order to effect substantial cost savings in the generation and delivery of their respective electric energy services. The City's membership will be as an associate non-equity member and is expected to result in numerous cost saving opportunities.*

*The present members of Colectric: JEA, NPPD, MEAG and Santee Cooper are also members of The Energy Authority (TEA), of which the City is also a member and which has been very successful in acquisition and sale of energy on behalf of the City and other TEA members.*

*Fiscal Note: Funds are available for the first year's membership fee of \$65,000 which will be prorated for 2005 dependent on the date of approval by the City Commission. The membership fee paid each year will be recouped by the savings that will be achieved through the various initiatives.*

**RECOMMENDATION**

*The City Commission authorize the General Manager to negotiate and execute such agreements and*

*ancillary documents as may be necessary for the City to become a member of Colectric Partners, Inc., a not-for-profit corporation, and to take such further actions in the future as may be required to comply with its membership obligations, subject to the approval of the City Attorney as to form and legality.*

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

## **CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

### **050001**

#### **Special Meetings (NB)**

##### **RECOMMENDATION**

*The City Commission schedule special meetings as follows:*

*June 20 @ 6:00 pm - Pre-Retreat; Financial Overview and Rating Agency Presentation Preview - City Hall Room 16*

*July 13 @ 6:00 pm - General Government Budget, Fiscal Year 05/06 - City Hall Auditorium*

*July 19 @ 6:00 pm - General Government Budget, Fiscal Year 05/06 - City Hall Auditorium*

*August 1 @ 6:00 pm - Community Development/Block Grant; General Government Budget, Fiscal Year 05/06 - City Hall Auditorium*

*August 15 @ 6:00 pm - General Government Budget, Fiscal Year 05/06 - City Hall Auditorium*

### **050002**

#### **Advisory Board/Committee Appointment of Lauren B. Poe to the Citizens' Advisory Committee for Community Development (NB)**

##### **RECOMMENDATION**

*The City Commission appoint Lauren B. Poe to the Citizens' Advisory Committee for Community Development for vacancy to expire November 1, 2006.*  
*Commissioner Braddy: Poe*  
*Commissioner Bryant: Poe*  
*Commissioner Chestnut: Poe*  
*Commissioner Domenech: Poe*  
*Commissioner Lowe: Poe*

*Commissioner Nielsen: Poe*

*Mayor Hanrahan: Poe*

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**050003**

**Advisory Board/Committee Appointments to the City Beautification Board of E.J. Bolduc, III, Nancy K. Heiser, Beth W. Jordan, Rocky A. Lee, II, David F. McConnell, Jerry D. Rose and Harold W. Saive. (NB)**

**RECOMMENDATION**

*The City Commission appoint E.J. Bolduc, III, Nancy K. Heiser, and Beth W. Jordan for terms to expire November 1, 2005, Rocky A. Lee, II, David F. McConnell, and Jerry D. Rose for vacancies to expire November 1, 2006, and Harold W. Saive for a vacancy to expire November 1, 2007 on the City Beautification Board.*

*Commissioner Braddy: Bolduc, Heiser, Jordan, Lee, McConnell, Rose and Saive*

*Commissioner Bryant: Bolduc, Heiser, Jordan, Lee, McConnell, Rose and Saive*

*Commissioner Chestnut: Bolduc, Heiser, Jordan, Lee, McConnell, Rose and Saive*

*Commissioner Domenech: Bolduc, Heiser, Jordan, Lee, McConnell, Rose and Saive*

*Commissioner Lowe: Bolduc, Heiser, Jordan, Lee, McConnell, Rose and Saive*

*Commissioner Nielsen: Bolduc, Heiser, Jordan, Lee, McConnell, Rose and Saive*

*Mayor Hanrahan: Bolduc, Heiser, Jordan, Lee, McConnell, Rose and Saive*

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**050004**

**Advisory Board/Committee Appointment of Peter M. Polshek to the City Plan Board (NB)**

**RECOMMENDATION**

*The City Commission appoint Peter M. Polshek to the City Plan Board for a vacancy to expire November 1, 2006.*

*Commissioner Braddy: Van Dyke*

*Commissioner Bryant: Van Dyke*

*Commissioner Chestnut: Polshek*

*Commissioner Domenech: Van Dyke*

*Commissioner Lowe: Polshek*

*Commissioner Nielsen: Polshek*

*Mayor Hanrahan: Polshek*

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**050005****Advisory Board/Committee Appointment of Rob Brinkman to the Gainesville Energy Advisory Committee (NB)****RECOMMENDATION**

*The City Commission appoint Rob Brinkman to the Gainesville Energy Advisory Committee for a vacancy to expire September 30, 2007.*

*Commissioner Braddy: Van Dyke*

*Commissioner Bryant: Kauper*

*Commissioner Chestnut: Brinkman*

*Commissioner Domenech: Kauper*

*Commissioner Lowe: Brinkman*

*Commissioner Nielsen: Brinkman*

*Mayor Hanrahan: Brinkman*

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**050006****Advisory Board/Committee Appointments to the Regional Transit System Advisory Board of John-David Feldman and Russell W. Furnas, Jr. (NB)****RECOMMENDATION**

*The City Commission appoint to the Regional Transit System Advisory Board John-David Feldman (RTS Rider) for a vacancy to expire June 1, 2006 and Russell W. Furnas, Jr. (Senior Citizen) for a term to expire June 1, 2008.*

*Commissioner Braddy: Feldman and Furnas*

*Commissioner Bryant: Feldman and Furnas*

*Commissioner Chestnut: Feldman and Furnas*

*Commissioner Domenech: Feldman and Furnas*

*Commissioner Lowe: Feldman and Furnas*

*Commissioner Nielsen: Feldman and Furnas*

*Mayor Hanrahan: Feldman and Furnas*

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**050007****Advisory Board/Committee Appointment of Jess J. Johnson to the Water Management Committee (NB)****RECOMMENDATION**

*The City Commission appoint Jess J. Johnson to the Water Management Committee for a vacancy to expire August 2007.*

*Commissioner Braddy: Johnson*

*Commissioner Bryant: Johnson*

*Commissioner Chestnut: Johnson*

*Commissioner Domenech: Johnson*

*Commissioner Lowe: Johnson*

*Commissioner Nielsen: Johnson*

*Mayor Hanrahan: Johnson*

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**050012**

**Resignation of Advisory Board/Committee Member Laura N. NeSmith (B)**

**RECOMMENDATION**

*The City Commission accept the resignation of Laura N. NeSmith from the Art in Public Places Trust effective April 2, 2005.*

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**050013**

**Resignation of Advisory Board/Committee Member Shaad Rehman (B)**

**RECOMMENDATION**

*The City Commission accept the resignation of Shaad Rehman from the Gainesville Human Rights Board effective February 1, 2005.*

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**050031**

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of May 9 2005 (Regular Meeting); and May 12, 2005 (Special Meeting); as circulated.*

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PUBLIC WORKS COMMITTEE, CONSENT**

**PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

**041251**

**Pay Study Special Job Audits (B)**

*Explanation: Following the announcement of the January 2004 Pay Study results, employees were allowed to appeal those results based on the following: 1) my position title is in the wrong pay grade; or 2) my position title does not reflect what I do.*

*Of the more than thirteen hundred (1,300) employees covered by the pay study, one hundred and sixty-six (166) filed Special Appeals. One hundred and thirty-six (136) were CWA-represented employees and thirty (30) were Managerial, Administrative and Professional (MAP) employees.*

*The Interest-based Bargaining Team (IBBT) closely reviewed the information on each appeal that was submitted by CWA-represented employees and the Pay Study Team reviewed the information on each appeal that was submitted by the MAP employees.*

*It was determined that only twenty-two (22) CWA appeals and thirteen (13) MAP appeals should be granted special job audits. Each employee was notified in writing of the disposition of his/her appeal.*

*The IBBT agreed that Human Resources should conduct the twenty-two (22) job audits for the CWA- represented positions. The previous City Manager determined that Dr. Felix Lopez, Industrial Psychologist, should conduct the thirteen (13) job audits on the MAP positions since the Human Resources employee conducting the CWA audits had filed a MAP appeal.*

*Summary of findings:*

*Of the twenty-two (22) CWA job audits conducted, it was determined the job duties of only nine (9) employees were not reflected in their current job descriptions and should be reclassified. In accordance with City Personnel Policies and Procedures, Policy Number 3, the reclassifications of the five (5) employees that were two pay grades or less will be handled administratively. The remaining four (4) reclassifications require approval of the Personnel & Organizational (P&O) Committee and the City Commission. The P&O Committee approved the reclassifications on May 3, 2005 and agreed to forward this recommendation to the City Commission for consideration.*

*Of the thirteen (13) MAP job audits conducted, it was determined the job duties of only six (6) employees were not reflected in their current job descriptions and should be reclassified. In accordance with City Personnel Policies and Procedures, Policy Number 3, the reclassification of one (1) employee that was two pay grades or less will be handled administratively. The remaining five (5) reclassifications require approval of the Personnel & Organizational (P&O) Structure Committee and the City Commission. The P&O Structure Committee approved the reclassifications on May 3, 2005 and agreed to forward this recommendation to the City Commission for consideration.*

*The special appeal audits are retroactive to January 4, 2004. Normally, job audits are effective beginning the first day of the pay period following the date of approval and are not retroactive. However, due to the fact that job audits had been held for three years prior to January 2004, it was agreed in the CWA labor agreement that the special appeal audits would be retroactive to January 4, 2004, if the employee was performing the work identified by the reclassification as of January 4, 2004. To assure equity, it is recommended that the professional employees be treated the same. The retroactive pay for these special appeal audits is not to be construed to set a new policy or procedure, and future job audits will return to normal practice of being effective as of the first day of the pay period following the date of approval.*

*As a result of the CWA/MAP "Special" Job Audit Appeal Process, the Personnel*

& Organizational Structure Committee recommends that the City Commission approve the following reclassifications:

*CWA Special Job Audit Appeals*

1. Program Assistant, CWA Grade FF - (\$28,810 - \$35,616) to Bicycle/Pedestrian Coordinator, MAP Grade EXC - (\$32,733 - \$45,008).
2. Storekeeper I, CWA Grade CC - (\$21,645 - \$26,759) to Police Property Specialist, CWA Grade GG - (\$31,691 - \$39,178).
3. Nature Assistant, CWA Grade CC - (\$21,645 - \$26,759) to Marketing Technician, CWA Grade I - (\$34,526 - \$42,637).
4. Power Systems Control Specialist, Sr., CWA Grade N - (\$49,567 - \$61,210) to Systems Programmer, MAP Grade EXK - (\$59,194 - \$81,391).

*MAP Special Job Audit Appeals*

1. Graphic Coordinator, MAP Grade EXF - (\$40,664 - \$55,914) to new title of GIS Supervisor, MAP Grade EXG - (\$43,714 - \$60,107).
2. Planning Assistant, MAP Grade EXA - (\$28,325 - \$38,947) to new title of GIS Specialist, MAP Grade EXD - (\$35,188 - \$48,383).
3. Transit Supervisor, MAP Grade EXB - (\$30,450 - \$41,868) to Trainer, MAP Grade EXE - (\$37,827 - \$52,013).
4. Transit Supervisor, MAP Grade EXB - (\$30,450 - \$41,868) to new title of Transit Operations Supervisor, MAP Grade EXC - (\$32,733 - \$45,008).
5. Transit Services Coordinator, MAP Grade EXC - (\$32,733- \$45,008) to new title of RTS Marketing & Communications Specialist, MAP Grade EXE - (\$37,827 - \$52,013).

*Fiscal Note:* The combined fiscal impact to reclassify the four (4) CWA represented employees is \$5,659.96. Additionally, the combined fiscal impact to reclassify the five (5) MAP employees is \$9,999.49. Adequate funds were appropriated during the FY 05-06 budget process in the General Fund Personal Services Contingency account to cover these pay adjustments.

**RECOMMENDATION**

The City Commission approve the above-mentioned reclassifications.

**Legislative History**

5/3/05	Personnel and Organizational Structure Committee	Approved as Recommended, as Amended or Revised
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	041251b_200505231300.pdf	

**PUBLIC SAFETY COMMITTEE, CONSENT**



**040872****Comprehensive Enforcement of Running Red Lights (NB)**

*Explanation: On January 10, 2005 the City Commission referred the issue of running red lights to the Public Safety Committee for a review of data and report back. The Public Safety Committee discussed this referral and heard from Gainesville Police Department (GPD) staff. The Committee determined that the GPD Traffic Safety Team provides consistent enforcement of red lights and of other priority traffic concerns, and requested that staff include that information to the City Commission in the report out as outlined below.*

*A selective enforcement detail is triggered by a request from any citizen, a request from a Neighborhood Crime Watch or any law enforcement officer. As a general rule, the Team will work an intersection based upon observations from traffic officers who determine that there are several drivers violating a traffic control device at any given intersection. A red light detail will normally run for three days and then a determination is made if additional time is needed.*

*The Traffic Safety Team has concentrated their selective enforcement details at numerous intersections throughout the city but primarily include: SW Archer Road and 34 Street, SW Williston Road and 34 Street, SW Archer Road and 16 Avenue, W. University Avenue and 34 Street, Newberry Road and 55 Street and Newberry Road and 62 Street, NW 13 Street at 7 Avenue and NW 16 Avenue, NW 13 Street and 53 Avenue, NW 34 Street and 39 Avenue, N. Main Street at 8 Avenue and NW 16 Avenue and Waldo Road at NE 39 Avenue. Red light citations have been issued at various other intersections in the city limits.*

*There have been numerous meetings through the Public Safety Committee, with local Representatives and with members of the House and Senate in an effort to create new laws to allow red light cameras in the State of Florida. This proposal does not appear to have adequate support to become law, although still remains a legislative initiative of the City of Gainesville.*

*To get a general idea of enforcement efforts, below is statistical information from January 2003 through April 2005, comparing speed, red lights and loud stereo violations. These numbers were selected based upon requests for enforcement of the top three violations in Gainesville. The numbers include all citations from Operations Bureau personnel.*

*01/01/2003 through 12/31/2003*

*SPEED - 6680  
RED LIGHTS - 3584  
LOUD STEREOS - 802*

*01/01/2004 through 12/31/2004*

*SPEED - 6956  
RED LIGHTS - 4769*

*LOUD STEREOS - 785**01/01/2005 through 04/26/2005**SPEED - 1217**RED LIGHTS - 1331**LOUD STEREOS - 202*

*The majority of crashes are not occurring in the intersections from red light violations but from drivers who are following too closely, failure to use due care and failure to yield while making a left turn at an intersection resulting in a vehicle crash.*

*House Bill 497, known as the Angelica and Victoria Velez Memorial Traffic Safety Act passed the House and Senate on Monday, May 2, 2005. Violation of FSS: 316.074(1) or 316.075(1)(c)1 violation of a traffic control device (red lights) will result in a minimum fine of \$125.00 for the first offense beginning October 1, 2005. The fine in Alachua County will be \$183.50 with \$65.00 of that fine forwarded to the Administrative Trust Fund for trauma centers. A second conviction within 12 months of the first violation will result in the fine plus mandatory attendance at a driver improvement course. If the violator fails to attend the course within 90 days, the operator's license shall be suspended until the course is successfully completed. In addition to the new fine, the points increased from 3 to 4 for any red light violation. This new law should have a definite impact on GPD's enforcement efforts through selective enforcement.*

**RECOMMENDATION**

*The City Commission accept the Public Safety Committee's report and remove this item from the Public Safety Committee referral list.*

**Legislative History**

1/10/05	City Commission	Referred (7 - 0)	Public Safety Committee
4/21/05	Public Safety Committee	Discussed	

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****050016****Approval of an Interlocal Agreement with the City of Gainesville (B)**

*Explanation: At the December 2004 CRA meeting, the Board authorized the Executive Director to negotiate a price for the purchase of the Tackle Box property. At that time the CRA was considering using a conventional mortgage to acquire the property and make payments from the Eastside District tax increment.*

*After staff discussions it was recommended that the City include \$300,000 in its most recent bond offering that could be lent to the CRA for this project. The CRA has done this on two other occasions with the Downtown parking garage*

and the FAPS Model Block program. The repayment is set at the terms of the bond over a 20 year period. The source of the repayment is all Eastside District Redevelopment Trust Fund revenues.

Both the CRA and the City must approve this loan and enter into an Interlocal agreement that covers the terms of the loan. The City Commission will be asked to appropriate the loan at the next regular meeting on Monday, May 23, 2005.

*Fiscal Note:* The current annual increment in the Eastside district is \$160,000. The Eastside has no debt currently.

**RECOMMENDATION**

The CRA to the City Commission: 1) Approve borrowing \$300,000 from the City of Gainesville for the Tackle Box project and 2) authorize the Interim City Manager to sign any and all necessary documents.

**Legislative History**

5/16/05	Community Redevelopment Agency	Approved as Recommended (7 - 0)
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**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**CITY MANAGER**

**050018**

**ARTSREACH Exhibits (NB)**

*Explanation:* Art in City Hall features a three-person exhibition titled "Juxtaposed Art Forms". On display will be photographs by Larry Santucci and paintings by Timothy A. Strating and Gordon Tarpley. The show runs through Aug. 26, 2005.

Art in the County Administration Building features a two-person exhibition including "The Song of the Ukraine" by Oksana Kravchenko, and "The Wonders of Paper" by Claudia Triana. The local business sponsor is Kapsters, The Salon, Inc. The show runs through Aug. 26, 2005.

Art in the Airport features a two-person exhibition including ink drawings of Marjorie K. Rawlings' Cross Creek by Robert Carson and "Dynamic Designs" with quilts by Sandy G. Pozzetta. The local business sponsors are: Central

*Florida Office Plus and Ivey's Grill. The local business sponsor is Nationwide Insurance. The show runs through Aug. 26, 2005.*

*For a glimpse of the entire ARTSREACH 2004-2005 Exhibition Schedule with images for each show, go to: [www.gvlculturalaffairs.org/](http://www.gvlculturalaffairs.org/). Click on Programs/Events, go to ARTSREACH and go to 2004-2005 Exhibition Schedule.*

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

**RECOMMENDATION**

*The City Commission hear a brief presentation by ARTSREACH Coordinator Donna Born Drake.*

**050021**

**Update from Dr. Tom D. Freijo, Senior Vice President of The Mercer Group, Inc. (B)**

*Explanation: On May 17, 2005, Dr. Tom D. Freijo, Senior Vice President of The Mercer Group, Inc., met with each Commissioner and the Commissioner-Elect to gather information for the search process for the position of City Manager. Dr. Freijo will present his recommendations based on the information that he received from the Commission. In addition, Dr. Freijo will present a schedule and discuss other aspects of the hiring process.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission hear an update from Dr. Tom D. Freijo of The Mercer Group, Inc. and take appropriate action.*

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**050022**

**Economic Development Peer City Report: Part II - City of Gainesville/City's of Madison, WI; Athens, GA; Austin, TX; Lansing/East Lansing, MI; Ann Arbor, MI; Bloomington, IN; Champaign, IL Peer Cities (NB)**

*Explanation: On August 23, 2004, the City Commission adopted a Strategic Action Plan for Economic Development. The Plan is an attempt to chart a future course for the City regarding Economic Development efforts and evolves out of the following contemporaneous events: 1) the convening of the Mayor's Transition teams, principally the Business Friendliness/Economic Development team; 2) the request from Commissioner Braddy for staff to develop a Peer City and Benchmarking system tied to performance in Economic Development; 3) information compiled and reported to elected officials from various citizen led teams associated with the Inter-City trip to Norfolk/New Haven; 4) the 2004 Economic Development Summit sponsored by the City of Gainesville and*

Gainesville Council for Economic Outreach; and 5) goals and budget priorities established by the City Commission in the context of the FY 2005-2006 budget review.

The Plan defines five key Economic Development attributes deemed as being important to the concerns of business entities and thus, the economic health of the City (including Infrastructure, Business Environment, Workforce, Diversified Economy and Quality of Life). Various indices have been developed to measure each of these five attributes. In addition, a list of sixteen peer cities has been identified to serve as peers to Gainesville for comparison purposes. The list of cities was developed based upon a variety of factors, most important of which is the presence of a major public university, deemed comparable to the City of Gainesville.

The first presentation in this series, focused upon Gainesville's position relative to North Carolina Peer Cities based upon the recent presentation at the 2005 Economic Development Summit. This second presentation focuses upon Gainesville's position relative to several additional university cities. The analysis represents both a quantitative and qualitative analysis of the data collected over the course of the last several months and is intended to be informative and comparative in nature.

*Fiscal Note: No fiscal impact.*

**RECOMMENDATION**

The City Commission hear a presentation on the findings of the Peer City Report: Part II - City of Gainesville/City's of Madison, WI; Athens, GA; Austin, TX; Lansing/East Lansing, MI; Ann Arbor, MI; Bloomington, IN; Champaign, IL Peer Cities.

## **SW 2nd Avenue Road Project, Main Street to SW 13th Street (NB)**

*Explanation: SW 2nd Avenue, from South Main Street to 13th Street, is a major corridor linking Downtown to the University of Florida. In conjunction with the Dover, Kohl study of University Heights/College Park Area a study of SW 2nd Avenue was conducted to determine needed enhancements to increase the viability of SW 2nd Avenue being an alternative corridor to University Avenue. The study recommended installing landscaped medians and decorative street lighting along the length of the corridor. In addition, the pavement condition ratings range from 67 to 85 with numerous utility patches running the length of the corridor.*

*As part of the 2002 Bond series, SW 2nd Avenue, from 2nd Street to 13th Street, was identified for milling/resurfacing and addition of landscaped islands as part of the curb to curb streetscape components. The implementation of this project was delayed due to the schedule of the proposed Midtown development. Staff did not want to mill/resurface this corridor prior to the construction activities associated with the Midtown project because of the impact that the heavy construction related traffic would have on the surface. When the Midtown project was not approved, staff proceeded with the SW 2nd Avenue*

project and expanded the eastern limits to include the section from SW 2nd Street to Main Street. This section was previously included in the proposed parking structure on Lot 10.

After evaluation of the corridor, staff has been able to locate approximately 9 landscaped islands that will include irrigation and uplighting of the landscaped areas. Two alternative project designs have been developed: Alternative 1 includes the mill/resurfacing and landscaped islands at an estimated cost of \$1.3 million; and Alternative 2 that includes mill/resurfacing and landscaped islands, as well as the addition of 3 roundabouts - 12th Street, 10th Street, and 6th Street intersections at an estimated cost of \$1.8 million.

Staff retained the services of landscape architect Buford Davis to assist with the landscape design. Because of the large number of major underground utilities that are located in the center of the roadway, the types of trees that can be planted are severely limited. After consultation with GRU representatives and Mr. Davis, the recommendation is to utilize 10' Phoenix palm trees with Liriope ground cover.

*Fiscal Note:* The original budget for the project was set at \$500,000 approximately \$25,000 has been spent on consultant costs for surveying and landscape design. Cost increases are primarily due to the dramatic increased costs associated with asphalt and concrete in the last couple of years and the cost of landscaping the islands in light of the utility restrictions. Staff has identified an additional \$416,000 available in earned interest from road construction bond dollars that may be allocated to this project. There have also been some preliminary discussions with CRA staff to allocate some of the streetscape budget to this project in the 2006 budget.

Approximately \$476,915 is available in Fund 328 and an additional \$416,000 is available in earned interest in Fund 328.

**RECOMMENDATION**

*The City Commission: 1) approve the allocation of earned interest in Fund 328 to the SW 2nd Avenue project; and 2) authorize the Interim City Manager to pursue additional funding from the CRA to complete the funding needed for Alternative 1, which includes mill/resurfacing and landscaped islands at an estimated cost of \$1.3 million.*

## GENERAL MANAGER FOR UTILITIES

**040841**

**Long Term Energy Supply Plan (B)**

**RECOMMENDATION**

*The City Commission continue discussions from May 12, 2005, special meeting related to an independent review of the staff prepared Long Term Electric Energy Supply Plan and take any action deemed*

*appropriate.*

Legislative History

1/10/05	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
1/31/05	City Commission	Continued
3/7/05	City Commission	Approved, as shown above (Main Motion) (7 - 0)
5/12/05	City Commission	Approved, as shown above (6 - 1)

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**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

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

**050025 CHARTER REVIEW COMMITTEE - PRELIMINARY REPORT (NB)**

*Fiscal Note: Account Number 001-750-7520-5140-1011 in the amount of \$2,768.*

*Account Number 001-750-7520-5140-3020 in the amount of \$1,482.*

**RECOMMENDATION**

*The City Commission: (1) Hear an interim report from the Chair on the work of the Committee; (2) appropriate \$4,250 to fund costs and expenses of the Committee; and (3) announce that the Committee will hold a public hearing on Tuesday, June 7, 2005 at 7:00 p.m. at the Commission Chambers.*

**OUTSIDE AGENCIES**

**050019**

**Update from Florida Community Design Center (NB)**



*Explanation: At the December 21, 2004 meeting of the Community Redevelopment Agency (CRA), a member of the CRA requested that the City Commission receive an update on the Florida Community Design Center, its funding, and its operations. Steve Schell, President of the Florida Community Design Center, will provide a brief presentation to the City Commission*

*Fiscal Note: The City has budgeted \$11,750 annually for the Design Center.*

**RECOMMENDATION**

*The City Commission hear an update from the Florida Community Design Center.*

## MEMBERS OF THE CITY COMMISSION

### **041273**

#### **Annual Performance, Salary, and Benefits Review - General Manager for Utilities (NB)**

**RECOMMENDATION**

*As required by the General Manager for Utilities' employment agreement, the City Commission conduct the annual performance, salary, and benefits review.*

**Legislative History**

5/9/05      City Commission      Continued

### **050032**

#### **Annual Performance, Salary, and Benefits Review - Equal Opportunity Director (NB)**

**RECOMMENDATION**

*As required by the Equal Opportunity Director's employment agreement, the City Commission conduct the annual performance, salary, and benefits review.*

### **050033**

#### **Mayor Pegeen Hanrahan - Committee Assignments (NB)**

**RECOMMENDATION**

*The City Commission confirm the committee assignments for the 05/06 Legislative year.*

## COMMISSION COMMENTS (if time available)

## CITIZEN COMMENT

**COMMISSION COMMENTS (if time available)**

**PLEDGE OF ALLEGIANCE (6:00pm)**

**Gator Detachment Marine Corps League and Boy Scout Troop # 614**

*Bob Gasche, Commandant*

**PROCLAMATIONS/SPECIAL RECOGNITIONS****050008**

**Safe Boating Week - May 21-27, 2005 & Vessel Safety Check Mega Weeks (B)**

**RECOMMENDATION**

*U.S. Coast Guard Flotilla 15-5 Gainesville  
Commander Ken Carriere and Past Commander Lou  
DeNunzio to accept the proclamation.*

SafeBoatingWk\_050008.pdf

**050009**

**Memorial Day - May 30, 2005 (B)**

**RECOMMENDATION**

*Gator Detachment of the Marine Corp League  
Commandant Dick Lester and Past Commandant Bob  
Gache to accept the proclamation.*

MemorialDay\_050009.pdf

**050010**

**National Homeownership Week - May 28-June 5, 2005 (B)**

**RECOMMENDATION**

*Alachua County Housing Coalition President Teresa  
Osoba and HUD Operations Specialist/Community  
Builder William Wright to accept the proclamation.*

NatlHomeownershipWk\_050010.pdf

**PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****031255**

**LAND DEVELOPMENT CODE AMENDMENT - BICYCLE PARKING SPACES (B)**

**Ordinance No. 0-05-46; Petition 82TCH-04 PB**

**An ordinance of the City of Gainesville, Florida, amending subsections (g) and (h) of section 30-332 of the City of Gainesville Land Development Code; providing criteria for the reduction in number of bicycle parking spaces required where evidence supports a lesser need for bicycle parking; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT*

*During the discussion of changes to the off-street parking regulations in Article*

*IX of Division 2 that were adopted in 2003 bicycle parking requirements were discussed but not revised. Concern was expressed that some uses may be required to have a larger number of bicycle parking spaces than the particular circumstances of the location, use and other factors may justify. The parking requirement for motor vehicles can be reduced based upon the criteria listed in Section 30-332(g). There are currently no provisions (other than for mixed-use districts) for the reduction of bicycle parking requirements. This proposed text amendment to allow bicycle parking reduction is based on Section 30-332(g), modified to be specific to bicycles and issues involved with bicycle parking.*

*This petition started originally as a referral from the City Commission to the Public Works Committee. After Public Works Committee recommendations were reported back to the City Commission, the item was referred to the Community Development Committee for further discussion and recommendations. Their recommendation was that the text amendment include language to ensure that the reduction would never decrease the number of bicycle spaces to less than 50 percent of the required amount.*

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

*Public notice was published in the Gainesville Sun on March 1, 2005. The Plan Board held a public hearing March 17, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 82TCH-04 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, June 13, 2005.*

*Fiscal Note: None*

#### **RECOMMENDATION**

*The City Commission (1) approve Petition 82TCH-04 PB and (2) adopt the proposed ordinance.*

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## **040665**

### **PLANNED DEVELOPMENT AMENDMENT - OAK HAMMOCK (B)**

#### **Ordinance No. 0-05-21, Petition 184PDA-04PB**

**An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Oak Hammock at the University of Florida, A Continuing Care Retirement Community"; located at 5100 S.W. 25th Boulevard; by amending the conditions adopted by Alachua County Resolution No. Z-00-4; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*Oak Hammock at the University of Florida was approved by Alachua County in February of 2000 with certain conditions. Since that time, Phase I of the development plan has been constructed and the property was annexed into the City. 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.*

#### *CITY ATTORNEY MEMORANDUM*

*The above-referenced Petition was approved by the City Commission on January 24, 2005 and the City Commission authorized the City Attorney's Office to prepare the appropriate ordinance amending the planned development.*

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

#### **Legislative History**

1/24/05      City Commission      Approved (Petition) (7 - 0)

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

### **021198**

#### **FALSE FIRE ALARM (B)**

##### **Ordinance No. 0-04-97**

**An ordinance of the City of Gainesville relating to false fire alarms; creating and adding a new Article IV to Chapter 10 to be titled False Fire Alarms; adding a short title; providing definitions; requiring permits for alarm operators; providing for fees and fines; providing for suspension, revocation and reinstatement of permits; providing for appeals; providing for response to fire alarms; proscribing deactivation of audible alarms; requiring annual registration of alarm monitoring companies; providing for alarm verification; requiring annual registration of alarm contracting companies; prohibiting certain alarm devices; requiring auxiliary power supply; providing for civil citation; providing for disposition of fees and fines; disclaimer of public duty; providing for confidential records; amending section 2-339, of the Gainesville Code of ordinances relating to applicable codes and ordinances subject to civil citation; amending**

**Appendix A, Schedule of Fees, Rates and Charges of the Gainesville Code of Ordinances, by creating a new subject heading titled "Fire/Rescue" and establishing fire alarm related fees therein; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an effective date of July 1, 2005.**

*Explanation: On November 24, 2003, the City Commission voted to authorize the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance, however, before the ordinance came back for first reading, staff expressed some concerns about the effectiveness of the ordinance and requested more time to work out details.*

*The above-proposed ordinance was resubmitted on October 11, 2004, and the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise the ordinance to reduce the number of false fire alarms the Fire Rescue Department responds to by implementing a system of registration, permitting, and fees for false alarms.*

*The City Commission also directed that communication with the University of Florida continue in an effort to address its concerns. Written correspondence between the City and the University are attached for your information. The City maintains that the University is subject to this user fee ordinance if the University chooses to utilize false fire alarm systems as defined in the ordinance. The University maintains that as "an instrumentality of the State of Florida, the University is not subject to local ordinances such as the proposed false fire alarm ordinance..."*

*The structure of the ordinance, with some minor language differences, now mirrors the structure of the false burglar alarm ordinance. The Alachua County Sheriff's Office has agreed to administer the ordinance as it does the false burglar alarm ordinance. For your information, Alachua County has adopted a similar ordinance with the same effective date of July 1, 2005.*

*The City Commission directed that the Public Safety Committee review this ordinance one year after the effective date.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

5/12/03	City Commission	Approved as Recommended (4 - 0 - 1 Absent)
5/12/03	City Commission	Referred Public Safety Committee
7/31/03	Public Safety Committee	Discussed
9/18/03	Public Safety Committee	Discussed
10/16/03	Public Safety Committee	Discussed
11/12/03	Public Safety Committee	Recommended for Approval
11/24/03	City Commission	Approved as Amended (7 - 0)
10/11/04	City Commission	Approved, as shown above (6 - 0 - 1 Absent)
5/9/05	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

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021198b\_200505231300.pdf

**040782****IMPOUNDED VEHICLES - APPEAL PROCEDURES (B)****Ordinance No. 0-05-31**

**An Ordinance of the City of Gainesville, Florida; amending subsections 26-140(b) and 26-140(c), City of Gainesville Code of Ordinances, relating to appeal procedures for impounded vehicles; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: The City Commission, at its meeting of December 13, 2004, authorized the City Attorney to draft an ordinance updating appeal provisions for impounded vehicles as follows:*

- \* Clarifying that a written request for an appeal hearing may be delivered to the City Manager or the City Manager's designee;*
- \* Changing the method of delivery from registered mail to certified and first class mail; and*
- \* Extending the time for the Board of Adjustment hearing from 3 days to 20 days, minimum from date of receipt of the request for an appeal.*

*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, May 23, 2005.*

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

**Legislative History**

5/9/05              City Commission              Adopted on First Reading (Ordinance) (7 - 0)

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**041239****SETTING DATES FOR 2006 REGULAR CITY ELECTIONS (B)****Ordinance No. 0-05-50**

**An ordinance of the City of Gainesville, Florida, setting March 7 as the date for the 2006 regular city election and March 28 as the date for the 2006 run-off election, if necessary; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: The City Commission, at its meeting of April 25, 2005, authorized the City Attorney's Office to draft an ordinance setting the 2006 regular city election and run-off election dates.*



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

4/25/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)

5/9/05 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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**040657****PLANNED DEVELOPMENT - UNIVERSITY CORNERS (B)****Ordinance No. 0-05-34, Petition 161PDV-04PB**

**An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from "MU-1: 8-30 units/acre mixed use low intensity" and "RMU: Up to 75 units/acre residential mixed use district"; to "Planned Development District"; located between West University Avenue on the South, Northwest 3rd Avenue on the North, Northwest 13th Street (US 441) on the East and Northwest 14th Street on the West; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an effective date.**

*Explanation: SUPPLEMENTAL STAFF REPORT AS OF MAY 16, 2005*

*At first reading of the Planned Development ordinance, May 9, 2005, the City Commission requested that City staff include a condition in the PD Ordinance that would require that the building materials depicted in the elevations of University Corners would be the materials utilized in the construction of University Corners. A new condition 11 on page 4 of the Ordinance, has been created identifying the building materials to be utilized for the facade of University Corners.*

*A revised set of elevations depicting facade materials will be provided to the City Commission at their May 23, 2005 meeting. The revised sheets will replace the elevation sheets attached to the Ordinance.*

**STAFF REPORT**

*The purpose and intent of this project is to construct a mixed-use development on a 3-block area in the southeast corner of the College Park Special Area Plan. The site is approximately 4.4 acres in size with the mixed-use development (commercial and residential, 400 dwelling units max.) component having a maximum square footage of 650,000 sq. ft. of floor area. The commercial (275,000 sq. ft.) includes such things as storefront retail, eating and drinking establishments, offices and personal services. The residential (375,000 sq. ft.) will consist of apartment condominiums and condo/hotel. A place of religious assembly (University United Methodist Church), having a maximum*

39,000 sq. ft. of floor area, is to be rebuilt at the intersection of West University and Northwest 14Th Street. In addition, a 450,000 sq. ft., max., underground and above ground structured parking facility are to be built onsite.

In order to achieve the desired intensity and density of development (91 du/ac includes hotel units) being proposed, the building height allowed in the College Park Special Area Plan must be increased from 65 feet (floor to ceiling/top of plate) to 95 feet (top of plate) and 100 feet to peak of roof and the number of stories increased (5-stories to 8-stories), the property must be rezoned to Planned Development.

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

The petitioner believes that their proposed planned development will accomplish the desired objectives. Their request is for taller structures (8 stories rather than 5 stories and a 95-foot height rather than 65 feet) within one or more mixed-use buildings. The proposed changes to this property will allow it to be redeveloped as an intensive mixed-use urban infill redevelopment that will provide retail and personal services for the existing and future neighborhood residents as well as for University of Florida students and staff.

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

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

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

#### CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of December 13, 2004, approved the petition and authorized the City Attorney to draft the proposed ordinance for the rezoning to planned development.

#### RECOMMENDATION

The City Commission adopt the proposed ordinance as amended.

#### Legislative History

12/13/04	City Commission	Approved (Petition), as recommended (7 - 0)
5/9/05	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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## 040655

### STREET VACATION - UNIVERSITY CORNERS (B)

#### **Ordinance No. 0-05-35, Petition 159-ASVA-04PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Northwest 1st Avenue located between Northwest 13th Street (U.S. 441) and Northwest 14th Street; reserving a temporary utilities easement; providing a special condition; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: STAFF REPORT*

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

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

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

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

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

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

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

*CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of December 13, 2004, approved the petition and authorized the City Attorney to draft the proposed ordinance for street vacation.*

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

**Legislative History**

12/13/04	City Commission	Approved (Petition), as amended (7 - 0)
5/9/05	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
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**041262**

**STREET VACATION - UNIVERSITY CORNERS (B)**

**Ordinance No. 0-05-37, Petition 159-BSVA-04PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Northwest 2nd Avenue located between Northwest 13th Street (US 441) and Northwest 14th Street; reserving a temporary utilities easement reserving an ingress/egress easement for public safety purposes; providing a special condition; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: STAFF REPORT*

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

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

*The two streets for which a vacation is requested are minor local streets that are no more than two blocks in length. Northwest 1st Avenue is located very close to University Avenue and because of the amount of traffic generated in the*

*area, this street has always been underutilized and has created dangerous circulation problems for both pedestrians and vehicles trying to enter, exit, or cross Northwest 1st Avenue at Northwest 13th Street (US 441).*

*The City shall retain temporary public and private utilities easements over, under, across, and through the vacated right-of-ways. In addition, the City shall retain an emergency ingress/egress easement for public safety vehicles and personnel over, across and through the N.W. 2nd Avenue right-of-way described in Exhibit "A".*

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

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

**CITY ATTORNEY MEMORANDUM**

*The City Commission, at its meeting of December 13, 2004, approved the petition and authorized the City Attorney to draft the proposed ordinance for street vacation.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

5/9/05      City Commission      Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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**RESOLUTIONS- ROLL CALL REQUIRED****050024**

**A resolution designating a brownfields redevelopment area in the City of Gainesville comprised of the proposed University Corners project for the purpose of environmental remediation, rehabilitation, and economic development. (B)**

*Explanation: The Florida Legislature created the Brownfields Redevelopment Act (sections 376.77-376.875 Florida Statutes) to create incentives for developers to rehabilitate contaminated and potentially contaminated sites for its return to economic viability. Section 376.80 Florida Statutes provides the process by which local governments designate Brownfield Areas by resolution. Once the local government adopts the designation resolution, it informs the Florida Department of Environmental Protection (FDEP), which then records the site as a Brownfields Area. The owner of the designated Brownfield Area can then pursue the benefits offered by the Brownfields Redevelopment Program. Statewide, 101 Brownfield Areas had been designated at the end of 2004.*

*Michael Conroy, President of University Corners LLC, has submitted a written request that the City designate the proposed University Corners site a Brownfield Area. The site is bounded on the south by University Avenue, on the north by Northwest 3rd Avenue, on the west by Northwest 14th Street, and on the east by Northwest 13th Street. All parcels in the proposed Brownfield Area are owned by University Corners. A portion of the proposed site, formerly occupied by Supercuts, is impacted by dry-cleaning solvents. According to Mr. Conroy, University Corners has performed a voluntary cleanup under the supervision of FDEP. Contaminated soils have been removed and a Contamination Assessment Report has been filed with FDEP. Additional groundwater remediation at the site will be conducted.*

*Mr. Conroy is seeking the Brownfield Area designation to qualify his project for the Brownfield Redevelopment Bonus Refund to attract business tenants when the project is completed. Successful applicants receive refunds of state taxes up to \$2,500 per new job created in a designated Brownfield Area. Businesses seeking this incentive must locate in a designated Brownfield Area and either be certified as a Qualified Target Industry (QTI) as defined in section 288.106 Florida Statutes or be a business that can demonstrate at least \$2 million in fixed capital investment in mixed-use business activities. Eligible businesses must also create at least 10 new full-time jobs, demonstrate that the business will diversify and strengthen the economy, promote capital investment beyond the site, and provide a resolution from the City recommending the applicant for the incentive with an optional pledge of local matching funds of 20 percent of the tax refund. Businesses with QTI certification generally pay higher wages than the local average wages, employ highly trained workers, and serve multi-state or international markets. The incentive is a tax refund equal to 20 percent of the average annual wage of the new jobs created. Refunds are given on such taxes as corporate income, sales, ad valorem, intangible personal property, insurance premium, and certain other taxes.*

*Applicants for the credit apply directly to Enterprise Florida. Administration of the QTI and Brownfield Redevelopment Bonus Refund programs is the responsibility of Enterprise Florida and the Office of Tourism, Trade, and Economic Development.*

*University Corners has provided evidence of meeting the Brownfield Area designation requirements under section 376.80 (2)(b) Florida Statutes through its remediation activities at the site, commitment to increase economic activity in the area planning for redevelopment consistent with applicable land development regulations, provision of public notice of its site rehabilitation activities, and assurance of financial ability to rehabilitate the site.*

*Fiscal Note: None*

**RECOMMENDATION**      *City Commission adopt the proposed resolution to designate the University Corners site as a state Brownfield Area.*

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## **040511**

### **Final replat of Lot 14 of Ridgewood Park located at 2811 Northwest 10th Place. Petition 95SUB-04DB. (B)**

*Explanation: During a public hearing held on October 11, 2004, the City Commission approved a design replat of Lot 14 in the Ridgewood Park subdivision. The replat is to facilitate implementation of a setback reduction consistent with a variance granted by the Board of Adjustment. This final replat establishes the setbacks for Lot 14 of Ridgewood Park, as follows: front, 5 feet; west and southwest side, 5 feet; north remaining at 7.5 feet; and southeast wetland setback remaining at 35 feet from the northwestern boundary of the wetlands.*

*The Development Review Board considered the request and recommended approval with staff conditions by a vote of 4-0.*

*Fiscal Note: None*

**RECOMMENDATION**      *Development Review Board to City Commission - The City Commission adopt the following resolution: A resolution approving the final, single lot replat of "Ridgewood Park, A Replat of Lot 14", located at 2811 Northwest 10th Place; providing directions to the Clerk of the Commission; and providing an immediate effective date.*

*Planning Staff to Development Review Board - Approve, with conditions.*

#### **Legislative History**

10/11/04      City Commission      Approved (Petition) with Staff Conditions (7 - 0)

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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-04 PB (Related to Petition 79CPA-04PB). (B)**

*Explanation: The City Commission held a public hearing on this petition on January 24, 2005. During the hearing, the City Commission voted to approve the petition and also referred the TCEA issue to the Community Development Committee for further discussion. The Community Development Committee held a workshop on May 2, 2005, where the Committee discussed the history, philosophy, advantages and disadvantages, as well as alternatives to the TCEA. The Committee voted to recommend to the full City Commission that Zone C and other minor amendments to the TCEA be adopted.*

*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 while 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 88% 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 approved Shoppes of Williston Road (Publix shopping center) development and redevelopment of the I-75/Williston Road gas station (with added fueling positions). Both of those developments are under construction.*

*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 requested that 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 adopted in the Concurrency Management Element map series.

Public notice was published in the Gainesville Sun on May 6, 2005. Letters were mailed to owners of property located within the proposed TCEA Zone C on May 6, 2005. The Plan Board held a public hearing December 2, 2004. The City Commission held a public hearing on January 24, 2005 and the Community Development Committee held an informational workshop on May 2, 2005.

*Fiscal Note: None*

**RECOMMENDATION**

City Plan Board to City Commission - The City Commission approve Petition 78LUC-04 PB, with the addition of the Northwest 13th Special Concurrency Redevelopment Credit Area Map to the Concurrency Management Element Map Series. Plan Board vote 6-0

Staff to Plan Board - Approve

**Legislative History**

1/24/05 City Commission Approved (Petition) (6 - 0 - 1 Absent)

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**031253**

**Amend the City of Gainesville Comprehensive Plan 2000-2010 Concurrency Management Element. Petition 79CPA-04 PB (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 the existing Data and Analysis Report for the Concurrency Management Element that will update the Report 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 reference Map 14 from the Data and Analysis Report as an adopted map.*

*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. The City Commission held a public hearing on January 24, 2005. The Community Development Committee held an informational workshop on May 2, 2005, and recommended minor revisions to the Goals, Objectives and Policies of the Concurrency Management Element.*

*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*

**Legislative History**

1/24/05 City Commission Approved (Petition) (6 - 0 - 1 Absent)

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**040660**

**Amend the City of Gainesville 2000-2010 Future Land Use Map from RH (residential high density) to a mixed-use PUD (planned use district) located at 1231 Southwest 3rd Avenue. Petition 154LUC-04 PB (Related to Petitions 155PDV-04 PB and 179ZON-04 PB). (B)**

*Explanation:* This petition is a request to change the land use of a group of parcels located between Southwest 3rd and 4th Avenues, along the east side of Southwest 13th Street. The proposed change will affect tax parcel number 13074 and a portion of tax parcel 13078 (lots 3, 4, 5 and the northern one-half of lot 2, Block Four of University Heights), comprising 0.68 acres. The properties have a land use designation of Residential High Density (8-100 units per acre), which allows up to 25% of proposed residential floor area to be secondary retail and office use. The petitioner is requesting a land use change to Planned Use District to allow an increase in the amount of secondary retail and office use, from 25% to 50% of proposed residential floor area. Based on site constraints, height limitations, access issues and the ability to accommodate accessory facilities, staff recommended an increase to 40% of proposed residential square footage. The applicant accepted the recommendation and the City Plan Board approved the petition. The proposal of 40 dwelling units on 0.68 acres will result in a density of 58.8 units per acre, which is within the allowable base density of 80 dwelling units per acre.

The Plan Board heard the petition and recommended that it be approved, with staff conditions.

Public notice was published in the Gainesville Sun on April 5, 2005. Letters were mailed to surrounding property owners on April 6, 2005. The Plan Board held a public hearing April 21, 2005.

*Fiscal Note:* None

**RECOMMENDATION**

City Plan Board to City Commission - The City Commission approve Petition 154LUC-04 PB, with conditions. Plan Board vote 5-0

Staff to Plan Board - Approve, with conditions.

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**040659**

**Rezone property from RH-2 to PD for a mixed-use development of multi-family residential, office and commercial use located at 1231 Southwest 3rd Avenue and 321 Southwest 13th Street. Petition 155PDV-04PB. (Related to Petitions 154LUC-04 PB and 179ZON-04). (B)**

*Explanation:* This petition is a request to change the zoning of a group of parcels located between Southwest 3rd and 4th Avenues, along the east side of Southwest 13th Street. The properties are located within the University Heights Special Area Plan, zoned RH-2 (Residential High Density, 8-100 du/acre). The owner wishes

*to pursue a mixed-use development, to include 40 dwelling units consisting of 80,000 square feet, and 40,000 square feet of non-residential uses. The proposed 40,000 square feet of non-residential use would exceed the 25% of residential floor area limit, devoted to non-residential uses, allowed by the existing RH-2 zoning. The petitioner has not provided a breakdown by type of use in the request. Based on information provided, the requested amount is 50% of the proposed residential floor area. The proposal of 40 dwelling units on 0.68 acres will result in a density of 58.8 units per acre, which is within the allowable base density of 80 dwelling units per acre permitted in the RH-2 zoning district.*

*It is the purpose of the Planned Development District to provide a method for developers to submit unique proposals, not allowed in the other zoning districts. This planned development request includes a PD layout plan and a development plan report to support the request. The applicant intends to file for full development plan review after approval of the land use and planned development petitions.*

*The petitioner's request differs from what is allowed in the RH-2 district only in terms of the amount of non-residential uses allowed at the subject location. Based on site constraints, height limitations, access issues and the ability to accommodate accessory facilities, staff recommended an increase to 32,000 square feet of nonresidential, which is 40% of the proposed residential square footage. The applicant accepted the recommendation and the City Plan Board approved the petition*

*The Plan Board requested that the petition be resubmitted to them for development plan review, instead of the Development Review Board. The Plan Board recommended that this petition be approved with staff conditions.*

*Public notice was published in the Gainesville Sun on April 5, 2005. Letters were mailed to surrounding property owners on April 6, 2005. The Plan Board held a public hearing April 21, 2005.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 155PDV-04 PB, with conditions. Plan Board vote 5-0*

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

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**040661**

**Amend the University Heights Special Area Plan Map from Residential High to Planned Use located at 1231 Southwest 3rd Avenue. Petition 179ZON-04 PB (Related to Petitions 154LUC-04 PB and 155PDV-04 PB). (B)**

*Explanation:* This is a request to change the Land Use and Building Type Matrix Map of the University Heights Special Area Plan. This change is required so that the overlay district map will be consistent with the proposed land use change in Petition 154LUC-04 PB. The proposed change will affect tax parcels 13074 and a portion of 13078 consisting of lots 3, 4, 5 and the northern one-half of lot 2, Block Four of University Heights, comprising 0.68 acres.

The Special Area Plan shows the subject property as Residential High (8-100 units per acre), which is the existing land use. That Special Area Plan designation also excludes Main Street Buildings, Office Buildings and Civic Buildings. According to the Residential High Density Land Use Category, secondary retail and office uses may be allowed but shall not exceed 25% of the proposed residential floor area. The petitioner has requested that the Special Area Plan Building Type Matrix be amended to Planned Use District, the new designation for the subject parcel.

Due to a proposed development exceeding the 25% limit, a request to amend the land use and zoning has been submitted for consideration. This petition is contingent upon approval of those land use and zoning amendment petitions.

The Plan Board heard the petition and recommended that it be approved, with staff conditions.

Public notice was published in the Gainesville Sun on April 5, 2005. Letters were mailed to surrounding property owners on April 6, 2005. The Plan Board held a public hearing April 21, 2005.

*Fiscal Note:* None

**RECOMMENDATION**

City Plan Board to City Commission - The City Commission approve Petition 179ZON-04 PB, with conditions. Plan Board vote 5-0

Staff to Plan Board - Approve, with conditions.

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**041183**

**A Special Use Permit with development plan review for a convenience store with fueling stations located at 3838 North Main Street. Petition 41WSU-05 CC. (B)**

*Explanation:* The subject property is located at the southwest corner of Northwest 39th Avenue and North Main Street. The proposal is for a convenience store and car wash with 12 fueling positions. The main building is 3,846 square feet with an accessory canopy of 3,576 square feet for the fueling positions. The use is allowed by special use permit. The property is located in the Murphree Wellfield secondary zone district, so a wellfield special use permit is also required. Both the special use permit and the wellfield special use permit require review by the City Plan Board and approval by the City Commission. The existing structures on the subject property will be demolished in

*preparation for the new construction.*

*The property is 1.21 acres, has a land use of C (Commercial), and is zoned BA (automotive oriented, business district). The property is at a major intersection and is surrounded on all sides by retail, auto dealership and restaurant uses. The property to the north across Northeast 39th Avenue is zoned BUS (business and mixed-use district); to the east and south is BA, (automotive oriented, business district); and to the west is I-1 (limited industrial).*

*Currently, the property is occupied by The Carport, a convenience store and fuel station. It has multiple access points on the surrounding three roadways. The property will undergo a hazardous material cleanup prior to commencement of the new facility.*

*The components of the project requiring the wellfield special use permit are the proposed gas station and car wash. The hazardous materials the applicant intends to use on the development site are primarily gasoline and chemicals related to the carwash. Alachua County Environmental Protection Department is aware of the proposed materials to be used and their comments reflect measures and conditions for safe operation of the facility given its location within the wellfield.*

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

*Public notice was published in the Gainesville Sun on April 5, 2005. Letters were mailed to surrounding property owners on April 6, 2005. The Plan Board held a public hearing April 21, 2005.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve 2 Special Use Permits, and development plan, with staff conditions. Petition 41WSU-05 PB. Plan Board vote 5-0 1 Abstain*

*Staff to Plan Board - Approve Special Use Permit and development plan with staff conditions.*

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**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT**

**ADJOURNMENT - 11:05 PM**