

# **City of Gainesville**

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



## **Meeting Agenda**

**May 08, 2006**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

***Mayor Pegeen Hanrahan (At Large)  
Commissioner Rick Bryant (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Ed Braddy (District 2)  
Commissioner Jack Donovan (District 3)  
Commissioner Craig Lowe (District 4)***

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

## CALL TO ORDER

## AGENDA STATEMENT

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

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 050350

#### **Contract Extension for the Procurement of Automotive Equipment Parts and Supplies (B)**

**This item involves exercising an option to extend the contract for one (1) year, the final of three (3) one-year extensions as allowed in the Agreement.**

*Explanation:* In October 2003, the City Commission awarded a one-year contract to Genuine Auto Parts d/b/a NAPA Auto Parts for the procurement of automotive and equipment parts and supplies. Fleet personnel recommend taking advantage of the contractual terms allowing for extensions and wish to extend the contract with Genuine Auto Parts d/b/a NAPA Auto Parts for an additional one-year term October 1, 2006 through September 30, 2007. This will be the final extension available on the contract.

*Fiscal Note:* \$150,000 is available in Fleet Management's Budget for FY06-07 for the contract extension.

#### **RECOMMENDATION**

*The City Commission:* 1) approve the extension of the current contract with Genuine Auto Parts d/b/a NAPA Auto Parts for a period of one-year; and 2) authorize the City Manager or his designee to execute the contract extension.

*Alternative Recommendation A: The City Commission require re-bidding the contract, which may result in the City losing the discount currently allowed under the Agreement.*

*Alternative Recommendation B: The City Commission return to past practice by requesting quotations on demand, which may result in the City losing the efficiencies and price protection of the current contract.*

**Legislative History**

9/12/05 City Commission Approved as Recommended (4 - 0 - 3 Absent)

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**050351**

**Contract Extension for Tire Repair, Balancing & Alignment Services (B)**

**This item involves exercising an option to extend the contract for one (1) year, the final of three (3) one-year extensions as allowed in the Agreement.**

*Explanation: In September 2003, the City Commission awarded a two-year contract to Town Tire for the services of tire repair, balancing and alignment. Fleet personnel recommend taking advantage of the contractual terms that allow for extensions and wish to extend the contract with Town Tire for an additional one-year term October 1, 2006 through September 30, 2007. This will be the final extension available on the contract.*

*Fiscal Note: \$150,000 is available in Fleet Management's Budget for FY06-07 for the contract extension.*

**RECOMMENDATION**

*The City Commission: 1) approve the extension of the current contract with Town Tire for a period of one-year; and 2) authorize the City Manager or his designee to execute the contract extension.*

*Alternative Recommendation A: The City Commission require re-bidding the contract, which may result in the City losing the discount currently allowed under the Agreement.*

*Alternative Recommendation B: The City Commission return to former practice by requesting quotations on demand, which may result in the City losing the efficiencies and price protection of the current contract.*

**Legislative History**

9/12/05 City Commission Approved as Recommended (4 - 0 - 3 Absent)

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## 050414

### **Contract Extension to Lewis Oil Company of Gainesville for Fuel Management Services (B)**

**This item involves exercising an option to extend the contract for one (1) year, the final of three (3) one-year extensions as allowed in the Agreement.**

*Explanation: In October 2001, the City Commission awarded a three-year contract to Lewis Oil Company of Gainesville to provide fuel and fuel management services for Fleet Management and the Gainesville Police Department (GPD). Advantages of the contract are: 1) the inclusion of GPD under one (1) contract; 2) price protection as the profit margin is fixed; and 3) preferential status in emergency situations, which proved quite beneficial during the 2004 hurricane season.*

*Fleet Management recommends taking advantage of the contract provisions to extend the contract for an additional one-year term October 1, 2006 through September 30, 2007. This will be the final extension available on the contract.*

*Fiscal Note: \$1,429,260 is available in Fleet Management's Budget for FY06-07 for the contract extension.*

#### **RECOMMENDATION**

*The City Commission: 1) approve the extension of the current contract with Lewis Oil Company of Gainesville for a period of one-year; and 2) authorize the City Manager or his designee to execute the contract extension.*

*Alternative Recommendation A: The City Commission require re-bidding the contract, which may result in the City losing current advantages from a local supplier.*

*Alternative Recommendation B: The City Commission return to former procedures which require requesting quotations for each procurement, which may result in the City losing the advantages of current local supplier.*

#### **Legislative History**

9/26/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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## 051115

### **Florida Communities Trust Grant Application (NB)**

**This item involves the City submitting the grant application for a Florida Communities Trust Grant for the acquisition of the Hartman - Mackay Property.**

*Explanation: The State of Florida's Florida Communities Trust Program (FCT) application cycle opened on February 24, 2006. Approximately \$66,000,000 is available this funding cycle for local government grants to acquire land for conservation and outdoor recreation purposes. Based upon the funds known to be available, the limit to a single applicant will be \$6,600,000. All local governments with populations of greater than 10,000 people, and counties with permanent populations greater than 75,000 people, are required to provide some level of match. A minimum match of 25% is required. The deadline for applications is May 10, 2006.*

*The City of Gainesville approved at the March 27, 2006 City Commission meeting contracting with Alachua Conservation Trust (ACT) to prepare a grant for acquisition of the Hartman-Mackey Property. The property has approximately 92 acres and is located at the southwest corner of NW 53rd Avenue and US 441 intersection. The property contains a portion of the headwaters for the Hogtown Creek, with significant drainage from surrounding areas onto the site. Funding for the grant match is estimated at a minimum of \$700,000 to \$900,000 for the required 25% match; however, part if not all of the required match potentially may be met by the amount by which the appraisal value may exceed the contract price.*

*Fiscal Note: The grant match will be requested in the City Manager's FY 07 - 08 Budget Request.*

**RECOMMENDATION**

*The City Commission: 1) approve the grant application to Florida Communities Trust; 2) authorize the City Manager to execute the application; and 3) authorize the City Manager to execute the grant agreement and other grant-related documents, if awarded, subject to approval by the City Attorney as to form and legality.*

*Alternative Recommendation A: The City Commission decline the Florida Communities Trust grant application.*

**Legislative History**

3/27/06 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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**051216**

**Forensic Science Improvement Grants Program (NB)**

**This item requests City Commission approval to apply for \$62,146 in grant funds from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice for funding of the Gainesville Police Department's Forensic Crime Unit for fiscal year 2007.**

*Explanation: The Forensic Crime Unit is housed within the Criminal Investigations Division.*

*The purpose of the Forensic Crime Unit is to process major crime scenes within the City of Gainesville and to analyze fingerprint evidence from these crime scenes. Currently the Forensic Crime Unit employs two full time latent fingerprint examiners. The latent fingerprint examiners are behind in analysis, having a backlog of approximately 10 months. This backlog has been consistent for two years. Grant monies sought will be used to purchase two pieces of equipment to better recover and then analyze fingerprints. It will also be used to employ one additional part time latent fingerprint examiner. Additionally, funding will be requested for training in the new equipment. Through procurement of this grant, the Forensic Crime Unit will eliminate much of the backlog in fingerprint analysis and provide other entities within the department the ability to apprehend criminals in a timely manner, thus reducing major crimes within the city.*

*This grant application is due to the Department of Justice by May 16, 2006. The grant monies would include \$14,950 to purchase a RUVIS (Reflective Ultra Violet Imaging System) that can be used in the field to capture better quality latent photographic fingerprints. Requested monies also include \$31,750 to purchase an AFIX Tracker (Automated Fingerprint Identification Palm System) fingerprint system that will automatically compare palm impressions in a local database. Of the monies \$1,500 will be set aside to train personnel in use of RUVIS. Finally, \$13,946 is being requested to pay the salary of one part time latent fingerprint technician (estimated at 20 hours per week for 52 weeks at \$13.41 per hour) to assist in analysis of evidentiary fingerprints and maximize the utilization of the equipment sought.*

*Fiscal Note: The grant request of \$62,146 requires no match and would fund a 12-month grant cycle for FY 2007.*

**RECOMMENDATION**

*Recommended Motion: The City Commission authorize the City Manager to 1) apply to the U.S. Department of Justice Office of Justice Programs for the grant in an amount up to \$62,146, and if awarded; 2) execute the grant agreement and any other documents, subject to approval of the City Attorney as to form and legality.*

*Alternative Recommendation A: The City Commission decline the opportunity to apply for the grant funding from the U.S. Department of Justice and refuse to fund the requested equipment and personnel.*

*Alternative Recommendation B: The City Commission decline the opportunity to apply for the grant funding from the U.S. Department of Justice and seek alternate means of funding the requested equipment and personnel.*

**051217**

**Continuation of Employee Bus Pass Program for North Florida/South Georgia Veterans Health System Employees (B)**

**This item involves authorizing the City Manager to execute an Interlocal Agreement with North Florida/South Georgia Veterans Health System to continue the Employee Bus Pass Program and to accept a \$9,000 revenue payment for prepaid, unlimited transit access for 2000 employees for one year from May 1, 2006 through and including April 30, 2007.**

*Explanation: North Florida/South Georgia Veterans Health System (NF/SG) implemented an employee bus pass program for their 2000 employees last year with the City of Gainesville's Regional Transit System (RTS). NF/SG desires to enter into the Interlocal Agreement with RTS for another year to provide its employees with prepaid, unlimited access to public transit as a means of commuting to work and reduce the demand for parking by its employees.*

*Fiscal Note: NF/SG shall pay the City of Gainesville \$9,000, for prepaid, unlimited access for 2000 employees to transit, except special service routes such as Gator Aider, etc., for the term of one year from May 1, 2006 through April 30, 2007. The \$9,000 represents the cost of \$4.50 per employee for 2000 employees.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute an Interlocal Agreement with North Florida/South Georgia Veterans Health System to continue the Employee Bus Pass Program through April 30, 2007; and 2) authorize the City Manager to execute any and all related documents.*

*Alternative Recommendation A: The City Commission can deny continuation of the annual contract between NF/SG and Regional Transit System. The resulting fiscal impact is the loss of \$9,000 revenue generated by the Employee Bus Pass Program for North Florida/South Georgia Veterans Health System Employees.*

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**051219**

**Second Extension to the Contract between the City of Gainesville and the Center for Independent Living of North Central Florida (B)**

**This item involves a request for the second one-year extension to the service Contract between the City and the Center for Independent Living of North Central Florida (CIL-NCF) that expires April 30, 2006.**

*Explanation: The current Contract with CIL-NCF will expire April 30, 2006, and has a provision for three additional one-year extensions. This is the second extension request. This Contract provides for Certification and Re-certification of ADA Eligibility. RTS recommends extending the current Contract for an additional one-year period from May 1, 2006 to April 30, 2007.*

*Fiscal Note: Funds for this Second Extension are available in the RTS FY06 operating budget.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Second Extension to the Contract with CIL-NCF for the period of May 1, 2006 to April 30, 2007; and 2) authorize the City Manager to execute any and all related documents.*

*Alternative Recommendation A: The City Commission declines authorization for the City Manager to execute the Second Extension of the Contract with CIL-NCF. The City of Gainesville would be without a Contract to provide ADA Eligibility Certification. RTS would no longer be in compliance with Federal requirements, resulting in a loss of Federal Funding for the Fixed Route buses.*

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**051221****Settlement of Worker's Compensation Claim - Brian Johns (NB)**

**This item involves the full and final settlement of Brian Johns' worker's compensation claim, which will include all future medical and indemnity payments as well as all set aside amounts. The total settlement amount is \$56,000 and represents a significant cost advantage to the City.**

*Explanation: While employed as a firefighter, Mr. Johns suffered several injuries including both knees that have required ongoing medical treatment. As a result of his injuries, the present potential exposure to the City in future medical treatment is in excess of \$100,000 assuming a double knee replacement. This figure could increase significantly if in the future Mr. Johns were determined to be permanently and totally disabled.*

*Recently, the City and Mr. Johns attempted to mediate a settlement of his worker's compensation claim. Mr. Johns and his attorney have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, Special Counsel and the City's Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount of \$56,000, includes all attorney fees, future medical costs, past and future indemnity payments, taxable costs and all set aside amounts.*

*Fiscal Note: The settlement of this case in the amount of \$56,000 will be paid out of the General Insurance Fund.*

**RECOMMENDATION**

*The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Johns, in the amount of \$56,000.*



051222

**Application for FY 2006 HUD Continuum of Care Homeless Assistance Program Funding (NB)**

**The City of Gainesville will participate in the development of an application for the Department of Housing and Urban Development's HUD Continuum of Care Homeless Assistance Program funding by serving as the grantee for two local projects.**

*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 eleven 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, will be 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 also diagnosed homeless individuals at scattered leased sites. It was initially funded in 1995.*
- 2. A request from VETSPACE, Inc. 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 and Hungry. The Coalition has taken the lead in submitting the consolidated application. If funded, the City would act as fiscal agent for the receipt and disbursement of grant funds for the Meridian Behavioral Healthcare "HOPE" Program and VETSPACE transitional housing projects, via subrecipient agreements.*

*The deadline for submitting this application to HUD is May 25, 2006.*

*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**

*Recommended Motion: 1) The City Commission authorize the 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 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.*

*Alternative Recommendation A: The City Commission defer action until a later meeting.*

**051238 Re-appointment of Mike Byerly to the East Gainesville SPROUT Project Task Force (NB)**

*Explanation: The appointment of Mike Byerly to the East Gainesville SPROUT Project Task Force ends on May 10, 2006. Mr. Byerly is the Alachua County Board of County Commissioners' representative to the Task Force. Mr. Byerly would like to continue serving in that capacity. Staff recommends re-appointing Mr. Byerly to the East Gainesville SPROUT Project Task Force for a second two-year term.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission accept staff's recommendation to re-appoint Mike Byerly to the East Gainesville SPROUT Project Task Force for a second two-year term.*

**051239 Re-appointment of Linda McGurn to the East Gainesville SPROUT Project Task Force (NB)**

*Explanation: The appointment of Linda McGurn to the East Gainesville SPROUT Project Task Force ended on March 15, 2006. Ms. McGurn would like to continue serving on the Task Force. Staff recommends re-appointing Ms. McGurn for a second two-year term.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission accept staff's recommendation to re-appoint Linda McGurn to the East Gainesville SPROUT Project Task Force for a second two-year term.*

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**060005**

**JUDITH CHASE, OLLEN ROGERS AND JOSEPH NELSON V. CITY OF GAINESVILLE AND ALACHUA COUNTY SHERIFF'S OFFICE;**

**UNITED STATES DISTRICT COURT CASE NO. 1:06CV44SPM/AK (B)**

*Explanation: On April 27, 2006, the City was served with a Complaint filed by Ms. Chase, Mr. Rogers and Mr. Nelson. The parties allege that their civil rights were violated by actions and policies of the City and the Alachua County Sheriff's Office. The parties seek declaratory and injunctive relief, compensatory damages and attorney's fees.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the case styled Judith Chase, Ollen Rogers and Joseph Nelson v. City of Gainesville and Alachua County Sheriff's Office; United States District Court Case No. 1:06cv44SPM/AK.*

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**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****060006****City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of April 17th and 18th, 2006 (Special Meetings); and April 24, 2006; as circulated.*

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**051241****Resignation of City Beautification Board Member Felix Berardo (B)****RECOMMENDATION**

*The City Commission accept the resignation of Felix Berardo from the City Beautification Board effective immediately.*

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**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC WORKS COMMITTEE, CONSENT****PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****PUBLIC SAFETY COMMITTEE, CONSENT**

051080

**Funding for Construction of New Gainesville Police Department Community Policing and Training Center and Renovation to Existing Facilities (NB)**

**This item requests the City Commission approval of funding through the transfer of \$3,500,000 from the Law Enforcement Contraband Forfeiture Trust Fund for the construction of a new Gainesville Police Department Community Policing and Training Center and Renovation to Existing Facilities.**

*Explanation:* At the City Commission retreat in 2004 and as part of their goal-setting session, a new police facility was identified as a priority. A spatial needs assessment was conducted and it was determined the need was for approximately 140,000 square feet of building space to be located on approximately 4.74 to 7.15 acres. The total estimated cost for the project, not including the land acquisition, was approximately \$23,000,000. Due to the high cost of building a new facility, GPD staff looked for alternatives and, as a result, recommended pursuing the purchase of adjacent property to expand the GPD facility.

On February 14, 2005, the City Commission authorized the funding for purchase of a new Gainesville Police Department Annex and construction and renovation to existing facilities. To facilitate the purchase, the City Commission added this project to the First Florida Governmental Financing Commission Revenue Bond, Series 2005. After careful consideration, staff determined that the Walker Furniture building, located directly adjacent to the current GPD facility, best served the purpose for the addition to the GPD facility. Staff negotiated a purchase price of \$925,000 for the Walker Furniture Building, located at 413 NW 8th Avenue. The structure has approximately 14,000 square feet of space and 50 additional parking spaces.

During the Walker Building negotiations, staff became aware of the availability of additional adjacent properties in the Voyle's building complex, located directly southeast of the Walker building at 761 NW 5th Street. Staff negotiated a purchase price of \$640,000. The purchase of this additional building and property would allow the Gainesville Police Department to turn one of the block buildings into an indoor firing range and to erect a new building to house the Training Unit and a Community Oriented Policing Center, complete with defensive tactic labs and classrooms, as well as a large community meeting room and mediation room to further facilitate community oriented policing.

On June 13, 2005, the City Commission approved the contract and purchase for the Walker Building, and on September 12, 2005, the City Commission approved the contract and purchase of the Voyles property. The Department is currently in the pre-construction phase (drafting blueprints) for the renovation of the Walker Building and the interior renovations of the current GPD facility. The Department is also in the preliminary planning stages for the construction of a new building on the Voyles property to house a Community Oriented Policing and Training Center, as well as renovation and conversion of the Food Bank (also located on the Voyles Property) to an indoor firing range. At the conclusion of this multi-phase project, the GPD campus will include a separate

facility to house the Department's Administrative Offices (Walker Building), a renovated Police Operations Center (Current GPD facility), a newly constructed Community Oriented Policing and Training Center, and an indoor firing range and simulation center (Voyles property). The newly constructed Community Oriented Policing and Training Center will be a two-story building which will serve as a location for community meetings and mediation facilities on the first floor and training classrooms and offices on the second floor.

This \$3,500,000 request will be added to the City Commission's previous allocations for this project which include: \$1,000,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund, \$2,500,000 from the First Florida Governmental Financing Commission Revenue Bond, Series 2005, and \$2,366,000 from the recently approved Capital Improvement Revenue Bond, Series 2005. Total estimated cost for the project is \$9,366,000.

*Fiscal Note:* Funds for this project are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The available balance is \$4,349,828.37.

**RECOMMENDATION**

The City Commission approve the appropriation and transfer of \$3,500,000 from Law Enforcement Contraband Forfeiture Trust Funds for the construction and renovation expenses related to the Gainesville Police Department's current and new facilities.

**051155**

**Federal LECFTF Funding for Special Investigations Division - Confidential Funds Enhancement (NB)**

**This item requests City Commission approval for funding narcotics and investigative expenses in connection with the enforcement efforts of the Gainesville Police Department's Special Investigations Division.**

*Explanation:* The Special Investigations Division requests an enhancement of confidential funds for funding narcotics and investigative expenses. This enhancement will assist in the suppression of narcotics distribution throughout the city. The expenditure request for the Confidential Funds Enhancement is \$20,000.

*Fiscal Note:* Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$849,828.00.

**RECOMMENDATION**

The City Commission approve the appropriation and expenditure of an amount not to exceed \$20,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the Special Investigations Division Confidential Funds Enhancement.

*Alternative Recommendation A: The City Commission approve an amount less than the \$20,000 requested.*

*Alternative Recommendation B: None.*

**051166**

**Federal LECFTF Funding for Joint Aviation Unit Helicopter Maintenance Components (NB)**

**This item requests City Commission approval for funding the purchase of helicopter components that are required for the safe operation of GPD's helicopter.**

*Explanation: On July 8, 1996, the City Commission approved the Inter-Agency Agreement for a Joint Aviation Unit between the Alachua County Sheriff's Office (ACSO) and the City of Gainesville's Police Department. The Gainesville Police Department Aviation Unit operates one OH-6 helicopter and staffs one full-time aircrew (pilot and tactical flight officer). This request is to purchase two (2) replacement components for GPD's OH-6 helicopter that have reached their limited component life: a tail boom and upper vertical stabilizer. Both parts must be replaced based on manufacturer and FAA maintenance standards, and they are required for operation of the helicopter. The cost for these two (2) components, including shipping and painting, is \$22,000.*

*Fiscal Note: Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The balance in this account is \$829,828.37.*

**RECOMMENDATION**

*The City Commission approve the appropriation and expenditure of an amount not to exceed \$22,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of Maintenance Components for the Joint Aviation Unit.*

*Alternative Recommendation A: The City Commission decline approval of this request with the understanding that the helicopter will not be operable.*

*Alternative Recommendation B: None.*

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA****CLERK OF THE COMMISSION****CHARTER OFFICER UPDATES****CITY MANAGER****051052****Legislative Update (B)**

**The City Commission will receive an update from staff on legislative affairs.**

**RECOMMENDATION**

*The City Commission receive a report from staff and take action if appropriate.*

**Legislative History**

3/27/06	City Commission	Approved, as shown above - See Motion(s)
4/24/06	City Commission	Heard

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**051122****Award for Outstanding Achievement in Popular Annual Financial Reporting (B)**

**The City was awarded GFOA's Award for Outstanding Achievement in Popular Annual Financial Reporting for its 2004 Citizen's Report. The 2005 Citizen's Report is hereby presented to the Commission and will be also submitted to GFOA for the award.**

*Explanation: The Government Finance Officers Association of the United States and Canada (GFOA) has granted an Award for Outstanding Achievement in Popular Annual Financial Reporting to the City of Gainesville for its Citizen's Report for the year ended September 30, 2004. The Award for Outstanding Achievement is a prestigious national award-recognizing conformance with the highest standards for preparation of state and local government popular reports. In order to earn an Award for Outstanding Achievement, a governmental unit must publish an easily readable and efficiently organized popular report.*

*An Award for Outstanding Achievement is valid for a period of one year only. The City of Gainesville has received the Award for Outstanding Achievement each year it has been eligible since the inception of the program in 1992. The City believes its current report for the fiscal year ended September 30, 2005 continues to comply with the program requirements, and we are submitting it to the GFOA for review and consideration.*

*Fiscal Note: There is no fiscal impact associated with this item.*

**RECOMMENDATION**

*The City Commission: 1) accept the Award for Outstanding Achievement in Popular Annual Financial Reporting for Fiscal Year 2004; 2) receive the Citizen's Report for the fiscal year ended September 30, 2005; and 3) endorse submittal of the FY 2005 report to the GFOA.*

*NOTE: Document is available for viewing in the Clerk's Office.*

**051123****Certificate of Achievement for Excellence in Financial Reporting (B)**

**The City was awarded GFOA's Certificate of Achievement for Excellence in Financial Reporting for its 2004 Comprehensive Annual Financial Report (CAFR). The 2005 CAFR is hereby presented to the Commission and will be also submitted to GFOA for the award.**

*Explanation: The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Gainesville for its Comprehensive Annual Financial Report for the fiscal year ended September 30, 2004. The Certificate of Achievement is a prestigious national award-recognizing conformance with the highest standards for preparation of state and local government financial reports.*

*In order to be awarded a Certificate of Achievement, a governmental unit must publish an easily readable and efficiently organized Comprehensive Annual Financial Report, whose contents conform to program standards. The report must satisfy both generally accepted accounting principles and applicable legal requirements.*

*A Certificate of Achievement is valid for a period of one year only. The City of Gainesville has received a Certificate of Achievement in each year in which it has been eligible since the inception of the program in 1951. The City believes that its current report for the fiscal year ended September 30, 2005 continues to comply with Certificate of Achievement program requirements, and is submitting it to the GFOA for review and consideration.*

*Fiscal Note: There is no fiscal impact associated with this item.*

**RECOMMENDATION**

*The City Commission: 1) accept the Certificate of Achievement for Excellence in Financial Reporting for fiscal year 2004; 2) receive the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2005; and 3) endorse submittal of the FY2005 report to the GFOA.*

*NOTE: Document is available for viewing in the Clerk's Office.*



**GENERAL MANAGER FOR UTILITIES****060001 Downtown Wastewater Collection System Capacity (NB)****RECOMMENDATION**

*The City Commission hear a presentation on the status of the downtown wastewater collection system capacity.*

**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****060002 Commissioner Rick Bryant - Towing Administration Fee (NB)****RECOMMENDATION**

*The City Commission: 1) Request for referral to Public Safety Committee re fairness and equity of \$47 towing admin fee (City Ordinance Section 14.5-25 et al) as it is being interpreted in relation to College Park (\$47 or \$2600? i.e. one community or 50?) and/or whether that interpretation reflects the intent of the Commission and 2) Request that the City Manager direct staff to accept status quo until Public Safety Committee makes a recommendation.*

**060004 City Commission Committees (NB)****RECOMMENDATION**

*The City Commission confirm the Mayor's appointments.*

**COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****051206****2007 ELECTION DATES (B)****Ordinance No. 0-06-54**

**An ordinance of the City of Gainesville, Florida, setting March 6 as the date for the 2007 regular city election and March 27 as the date for the 2007 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 24, 2006, authorized the City Attorney's Office to draft an ordinance setting the 2007 regular city election and run-off election dates.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

4/24/06 City Commission Approved as Recommended (4 - 0 - 3 Absent)

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**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****050770****STREET VACATION - EAST OF GPD (B)****Ordinance No. 0-06-47, Petition 176SVA-05PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a public right-of-way generally located at Northwest 7th Place, west of Northwest 5th Street and east of an abandoned railroad right-of-way, as more specifically described in this Ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF REPORT*

*The purpose of this request is to vacate a portion of right-of-way east of the Gainesville Police Department (GPD). The approximately .05-acre right-of-way to be vacated is an undeveloped portion of Northwest 7th Place, which lies between the westerly right-of-way line of Northwest 5th Street and the eastern right-of-way line of the abandoned CSX railroad. The property owner on the south side of the right-of-way at tax parcel 14414-010-001, also owns the property north of the subject right-of-way, at tax parcel 14409-000-000. Upon vacation of the right-of-way, the City would trade the vacated right-of-way to the property owner of the above-mentioned tax parcels for the north half of tax parcel 14409-000-000. The right-of-way is an unimproved "paper street." It provides no public access and would best be used for a land trade that would benefit the expansion activities of GPD. In recent months, the City has purchased land east of GPD headquarters for the use of some existing buildings and the construction of new facilities at some point in the future. The property that the City will receive in this land trade is the final piece in the acquisition activities.*

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

*Public notice was published in the Gainesville Sun on January 31, 2006. Letters were mailed to surrounding property owners on February 1, 2006. The Plan Board held a public hearing February 16, 2006.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of March 27, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way.*

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

#### **Legislative History**

3/27/06	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
4/24/06	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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## **051124**

### **ANNEXATION - BEVILLE 2 (B)**

#### **Ordinance No. 0-06-42**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of a portion of Tax Parcel 06715-000-000, generally located south of the city limits, west of the vicinity of SW 34th Street and the City limits, north of the City limits and east of Tax Parcel**

**06715-001-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, November 28, 2005, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On January 23, 2006 and February 13, 2006, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.*

#### *ANNEXATION ORDINANCE*

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

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

*If adopted on first reading, the second and final reading of this ordinance will be May 8, 2006. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.*

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

#### **Legislative History**

4/24/06              City Commission              Adopted on First Reading (Ordinance) (7 - 0)  
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## **051161**

### **URBAN SERVICES REPORT – CORRECTIVE ORDINANCE – DAUTEL (B)**

#### **Ordinance No. 0-06-51**

**An ordinance of the City of Gainesville, Florida, correcting a scrivener's error in the title, text and Urban Services Report as described in Ordinance 050652 adopting the Urban Services Report pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act for an area located south of the City limits, west of the vicinity of SW 34th Street and the City limits, north of the vicinity of SW 20th Avenue and east of SW 37th Street; providing directions to the**

**City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.**

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

*On February 13, 2006 Ordinance 050652, adopting an Urban Services Report for the above-referenced property, was adopted by the City Commission on second reading. However, the Ordinance contained an error in the title, in the text of the ordinance and in the text of the attached Urban Services Report as to a geographic reference (17th Street was referenced in error; the correct reference should be 37th Street). Since this error was contained within the title, text and Report, the Ordinance and Report should be amended. Also, subsequent to the November 15, 2005 transfer of real property, the Property Appraiser has split the one parcel (06711-000-000) into two parcels (06711-000-000 and 06711-003-000). Both parcels are under common ownership and the newly revised report contains the correction to the parcel numbers as well.*

*The attached ordinance and revised Urban Services Report correct these inaccuracies and repeal Ordinance 050652. If adopted on first reading, this ordinance shall be heard on second reading on May 8, 2006. After final adoption by the City Commission, a copy of the corrected Report will be filed with the Alachua County Board of County Commissioners.*

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

**Legislative History**

4/24/06            City Commission            Adopted on First Reading (Ordinance) (7 - 0)

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## **RESOLUTIONS- ROLL CALL REQUIRED**

**051158**

**Resolution for a Local Agency Program Agreement for Enhancements of the Depot Avenue Transportation Corridor Project (B)**

**This item involves a Resolution authorizing the City Manager to execute a Local Agency Program (LAP) Agreement between the City of Gainesville and the Florida Department of Transportation for Enhancements of the Depot Avenue Transportation Corridor Project.**

*Explanation: The City of Gainesville is a Florida Department of Transportation (FDOT) Certified local agency. This allows the City to enter into agreements with FDOT for the City to presently fund and implement projects and receive reimbursement when FDOT funding is scheduled. The City is requesting to enter into an agreement with FDOT for Enhancements of the Depot Avenue Transportation*

*Corridor Project. This Agreement will allow for design costs.*

*Fiscal Note: The LAP Agreement provides the City of Gainesville with \$500,000 for design costs of the Depot Avenue Transportation Corridor Project.*

**RECOMMENDATION**

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

*Alternative Recommendation A: The City Commission reject the motion to adopt the Resolution, which will result in the City of Gainesville losing \$500,000 in funding for the Depot Avenue Transportation Project. This action will require the Public Works Department to utilize their capital improvement budget allocated for other projects for this project, which will greatly impact the progress and funding for other capital projects.*

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**051111**

**Final Plat Review - Weschester, Phase I (B)**

**(Formal Quasi-Judicial) Petition 122SUB-02DB Phase I (Quasi-Judicial). Causseaux and Ellington, Inc., agent for Weschester LLC, formerly known as Krystle Pines Cluster Subdivision. Final Plat review for Phases I of the Weschester Subdivision. Phase I consists of 204 lots on 138.10 acres more or less. Located in the 8100 Block of Northwest 43rd Street, north of Northwest 73rd Avenue. Zoned: RSF-1**

*Explanation: The former Krystle Pines Cluster Subdivision included a total of seven phases. The present petitions propose a reduction in the number and sequence of phases. The modifications include an increase in the number of lots in Phase I to 204. The modification brings the total number of lots to be approved in Phases I, II, and III to 279, and remains consistent with the initially approved number of lots and conditions of approval. A total of 418 lots were approved for the subdivision, leaving a balance of 139 lots to be developed in the future in what is now called Weschester Subdivision. It is anticipated that the applicant will submit additional phases to implement the remaining lots. The City Commission approved the conditional final plat for Phase I on March 14, 2005.*

*Public Works has reviewed the existing improvements and financial documents and determined them to be acceptable.*

*Fiscal Note: None*

**RECOMMENDATION**

*Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of "Weschester Cluster Subdivision Phase I", located generally West of Northwest 43rd Street and North of Northwest 82nd Boulevard, as more specifically described in this*

*Resolution; authorizing the Mayor and Clerk of the Commission to execute a Surety Agreement to secure the construction of improvements; providing directions to the Clerk of the Commission; and providing an immediate effective date.*

*Alternative Recommendation A: Deny the proposed final plat application.*

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## 051167

### **Final Plat Review -Weschester, Phase II (B)**

**(Formal Quasi-Judicial) Petition 122SUB-02DB Phase II (Quasi-Judicial). Causseaux and Ellington, Inc., agent for Weschester LLC, formerly known as Krystle Pines Cluster Subdivision. Final Plat review for Phases II of the Weschester Subdivision. Phase II consists of 30 lots on 15.9 acres more or less. Located in the 8100 Block of Northwest 43rd Street, north of Northwest 73rd Avenue. Zoned: RSF-1**

*Explanation: The former Krystle Pines Cluster Subdivision included a total of seven phases. The present final plat petitions propose a reduction in the number and sequence of phases. The modifications include an increase in the size of lots in Phase II. The modification brings the total number of lots to be approved in Phases I, II, and III to 279, and remains consistent with the initially approved number of lots and conditions of approval. A total of 418 lots were approved for the subdivision, leaving a balance of 139 lots to be developed in the future in what is now called Weschester Subdivision. It is anticipated that the applicant will submit additional phases to implement the remaining lots. The City Commission approved the conditional final plat for Phase II on August 23, 2004.*

*Public Works has reviewed the existing improvements and financial documents and determined them to be acceptable.*

*Fiscal Note: None*

#### RECOMMENDATION

*Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of "Weschester Cluster Subdivision, Phase II", generally located West of Northwest 43rd Street and North of Northwest 82nd Boulevard, as more specifically described in this Resolution; authorizing the Mayor and Clerk of the Commission to execute a Surety Agreement to secure the construction of improvements; providing directions to the Clerk of the Commission and providing an immediate effective date.*

*Alternative Recommendation A: Deny the proposed final plat application.*

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**051168**

**Final Plat Review - Weschester, Phase III (B)**

**(Formal Quasi-Judicial) Petition 122SUB-02DB Phase III (Quasi-Judicial). Causseaux and Ellington, Inc., agent for Weschester LLC, formerly known as Krystle Pines Cluster Subdivision. Final Plat review for Phase III of the Weschester Subdivision. Phase III consists of 45 lots on 26.6 acres more or less. Located in the 8100 Block of Northwest 43rd Street, north of Northwest 73rd Avenue. Zoned: RSF-1**

*Explanation: The former Krystle Pines Cluster Subdivision included a total of seven phases. The present final plat petitions propose a reduction in the number and sequence of phases. The modifications include an increase in the size of lots in Phases III. The modification brings the total number of lots to be approved in Phases I, II and III to 279, and remains consistent with the initially approved number of lots and conditions of approval. A total of 418 lots were approved for the subdivision, leaving a balance of 139 lots to be developed in the future in what is now called Weschester Subdivision. It is anticipated that the applicant will submit additional phases to implement the remaining lots. The City Commission approved the conditional final plat for Phase III on March 14, 2005.*

*Public Works has reviewed the existing improvements and financial documents and determined them to be acceptable.*

*Fiscal Note: None*

**RECOMMENDATION**

*Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final plat of "Weschester Cluster Subdivision, Phase III", located generally West of Northwest 43rd Street and South of Northwest 82nd Boulevard, as more specifically described in this Resolution; authorizing the Mayor and Clerk of the Commission to execute a Surety Agreement to secure the construction of improvements; providing directions to the Clerk of the Commission and providing an immediate effective date.*

*Alternative Recommendation A: Deny the proposed final plat application.*

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**051226**

**A Resolution amending Resolution 050425 concerning Cemetery Fees (B)**

**The City of Gainesville is recommending an amendment to the allocation of current fees charged for the sale of grave spaces at the Evergreen Cemetery.**



*Explanation: On March 13, 2006, the City Commission authorized the City Manager to acquire three acres of Sweetwater Ltd. property for the purpose of supporting future expansion/development of the Evergreen Cemetery as well as for a future access into the cemetery from Williston Road. The total purchase price paid by the City of Gainesville for the three acres was \$206,240.14.*

*In order to fund the purchase, the City Commission authorized the City Manager to utilize an "internal loan" from the City's General Fund and to make appropriate adjustments in the distribution of current fees relating to grave space sales for the purpose of repaying the loan over a 20-year period.*

*The majority of grave space sales go into the Cemetery's Trust Fund Balance, currently totaling \$1.4 million and which is designated for perpetual care. Specifically, allocation percentages are: 88.41% of each adult space, 82.55% of each infant space, and 68.15% of each cremain space. The remaining portion of each grave space sale is deposited into the Cemetery's annual revenue account. The City of Gainesville provides an annual operation subsidy of approximately \$100,000 to support Evergreen Cemetery.*

*City staff recommends the following breakdown in the allocation of all future grave space sales to reflect the following percentages:*

- 20% to the Evergreen Cemetery Trust Fund*
- 20% to Cemetery Revenues to offset annual operational expenses*
- 60% to the repayment of the General Fund Loan*

*The Finance Department has determined no significant impact to the Cemetery Trust Fund (and future perpetual care) by making this change.*

*A specific break down (by type of grave space) and the actual allocations in dollars are included in the Resolution (agenda backup). No changes are being recommended to the cemetery's current rates as they are currently competitive with other area cemeteries. The Evergreen Cemetery Association of Gainesville, Inc. is supportive of this proposed redistribution of grave space sales.*

*Fiscal Note: Sixty percent of each cemetery space sale (Adult, Infant and Cremains) will be used to repay the internal loan from the General Fund of \$206,240.14 that is being amortized over a twenty year period.*

**RECOMMENDATION**

*The City Commission adopt the proposed Resolution entitled: A Resolution of the City Commission of the City of Gainesville, Florida, amending Resolution 050425, approved September 26, 2005, for the purpose of reallocation fees paid for grave spaces and services at Evergreen Cemetery; providing a repealing clause; providing an effective date.*

*Alternative Recommendation: The City Commission not adopt the proposed Resolution as written.*

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051240

**ANNEXATION REFERENDUM - REPORT OF BOARD OF CANVASSERS (B)**

**A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, election held on April 25, 2006; and providing an immediate effective date.**

*Explanation: On April 25, 2006, a referendum for annexation was held in the City of Gainesville.*

*The Report of the Board of Canvassers for the City of Gainesville annexation referendum, showing that the referendum for annexation has failed is adopted by this resolution of the City Commission.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

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**PLAN BOARD PETITIONS****050911****Amendment to Buck Bay Planned Development. (B)**

**Petition 12PDA-06 PB. Buck Bay, Ltd. Text amendment to allow “site-built” homes to be constructed within the existing Buck Bay development. Zoned: PD (Planned development). Located at 7700 Northwest 22nd Street.**

*Explanation: The purpose of this petition is to amend the Planned Development zoning that governs the development of the Buck Bay subdivision. The text amendment would allow the mobile home lots to be developed with “site-built” homes.*

*This development was approved and developed prior to annexation in 1992. The development was completed in 1983 and has operated as a land-lease manufactured home community. The Hidden Lake subdivision has since been developed immediately south of Buck Bay. The petitioners would like to amend the Planned Development to allow the construction of conventional “site-built” housing. However, nothing in this amendment will prevent the continued use of manufactured homes in the Buck Bay development as a use by right. Staff is recommending a condition be added to the resolution that clearly states that manufactured homes are still an allowed use within the development.*

*There was a concern about this proposal regarding stormwater management requirements. If manufactured homes are replaced by conventional single-family housing, the additional square footage of impervious area could require additional stormwater management facilities in the development. This petition does not address whether additional stormwater management facilities are required. However, the petitioners have met with the City Public Works Department and have provided calculations indicating that limiting the amount of impervious area on a lot to 2,100 square feet would not have an adverse effect on the present drainage system. The proposed Planned Development*

language includes this limitation.

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

Public notice was published in the Gainesville Sun on February 28, 2006. Letters were mailed to surrounding property owners on March 1, 2006. The Plan Board held a public hearing March 16, 2006.

*Fiscal Note: None*

**RECOMMENDATION**

City Plan Board to City Commission - The City Commission approve Petition 12PDA-06 PB. Plan Board vote 6-0.

Staff to Plan Board - Approve

Alternative Recommendation: Disapprove

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**051019**

**Significant Ecological Communities Overlay District on 178 acres in Southeast Gainesville (B)**

**(Formal Quasi-Judicial) Petition 23ZON-06 PB. City of Gainesville. Amend the City of Gainesville Land Development Code by overlaying the Significant Ecological Communities District on property zoned RMF-5 (12 units/acre single-family/multiple-family residential district), RMF-6 (8-15 units/acre multiple-family residential district), RMF-7 (8-21 units/acre multiple-family residential district), RSF-1 (3.5 units/acre single-family residential district), RSF-4 (8 units/acre single-family residential district) CON (Conservation district) and MU-1 (8-30 units/acre mixed use low intensity) on approximately 178 acres. Generally located east of Southeast 24th Street (between East University Avenue and Southeast Hawthorne Road), west of TB McPherson Park, and south of the South Main Street Wastewater Treatment Plant.**

*Explanation: On August 28, 2003, the City Plan Board made a final recommendation for a petition to the City Commission to establish a Significant Ecological Communities ordinance. The City Commission adopted this ordinance on second reading at their November 8, 2004 meeting.*

*The next step necessary to implement this ordinance was to rezone parcels ranked "outstanding" and "high" so that the Significant Ecological Communities regulations become an overlay to the land development regulations that apply to these parcels.*

*As an overlay district, the Significant Ecological Communities regulations operate in conjunction with any underlying zoning district regulations for the subject parcels. The regulations of the underlying zoning district, and all other applicable regulations, will remain in effect and be further regulated by the Significant Ecological Communities regulations. If the provisions of the Significant Ecological Communities regulations conflict with the underlying*

*zoning regulations, the provisions of the Significant Ecological Communities regulations shall prevail.*

*The Plan Board heard the petition and, after discussion, requested that staff meet with Mr. Nichols, owner of Parcel No. 15975, to hear his concerns and explain the overlay in detail, and that the request be forwarded with the Board's recommendation to the City Commission.*

*Staff met with Mr. Nichols on March 30, 2006 and described in detail how the proposed regulations might affect the residential development he is considering for his property.*

*Public notice was published in the Gainesville Sun on February 28, 2006. Letters were mailed to surrounding property owners on March 1, 2006. The Plan Board held a public hearing March 16, 2006.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 23ZON-06 PB. Plan Board vote 5-2.*

*Staff to Plan Board - Approve*

*Alternative Recommendation: Do not apply the Significant Ecological Communities Overlay District to the subject properties.*

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**051020**

**Overlay District to Apply New Land Development Regulations to Larger Portions of Southeast Gainesville (B)**

**Petition 24TCH-06 PB. City of Gainesville. This petition provides a new overlay zoning district containing special land development regulations for an area south of Hawthorne Road and east of Southeast 11th Street.**

*Explanation: This petition proposes to apply overlay zoning district regulations to the south and east of the existing Five Points Special Area Plan overlay zoning district, in order to provide the overlay to a larger portion of Southeast Gainesville.*

*The Southeast Gainesville Special Area Plan is intended to improve the sense of place and community; improve the environment for businesses, including smaller, locally-owned businesses; and support a healthy economy by providing a vibrant mix of commercial, office, retail and residential uses. The proposed development standards are intended to make Southeast Gainesville a more vibrant, livable place as properties develop.*

*The Plan Board heard the petition and requested that it be modified at (d) to*

*read . . . shall be fronted by liner buildings having retail, office and residential.*

*Public notice was published in the Gainesville Sun on June 9, 1998. Letters were mailed to surrounding property owners on June 10, 1998. The Plan Board held a public hearing June 25, 1998.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 24TCH-06 PB, modifying (d) Regulations to read . . . shall be fronted by liner buildings having retail, office and residential. Plan Board vote 7-0.*

*Staff to Plan Board - Approve to establish a new Southeast Gainesville Suburban Special Area Plan to help implement Plan East Gainesville.*

*Alternative recommendation: Do not approve petition.*

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**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

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