

City of Gainesville

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



Meeting Agenda

July 09, 2007

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

070080.

Cost Share Agreement for Paynes Prairie Treatment Wetland (B)

This item involves a request for the City Commission to authorize the City Manager to enter into a cost share agreement with St. Johns River Water Management District (SJRWMD) for the Paynes Prairie Treatment Wetland.

Explanation: The City of Gainesville (City) and the St. Johns River Water Management District wish to enter into a cost share agreement that will fund a portion of the Paynes Prairie Treatment Wetland to reduce pollutants flowing into Paynes Prairie Preserve State Park from downtown Gainesville via Sweetwater Branch.

The project will allow the City to meet its Total Maximum Daily Load (TMDL) requirements for Alachua Sink, an impaired surface water in the park. It will also permit restoration of sheetflow of clean water onto 1,300 acres of degraded wetlands downstream of Sweetwater Branch.

This water-quality improvement project is the culmination of a decade of cooperation by the Orange Creek Basin Partnership, which includes the District, the City Public Works Department, Gainesville Regional Utilities, and the State of Florida Department of Environmental Protection Division of State Parks. The District has already provided \$1,065,500 to the City through a stormwater grant and a legislative appropriation for two stormwater management projects in the Sweetwater Branch watershed, Depot Park west ponds and interceptor pipe that are part of this treatment train.

Fiscal Note: Total project cost is estimated to be \$1,468,000. The SJRWMD Cost-Share Agreement through legislative appropriation will provide \$850,000 and will cover a portion of the design costs. Additional funding in the amount of \$300,000 is available in the existing FDOT Cost Share Agreement and the remaining \$318,000 will be allocated from Stormwater Management Utility Fund Capital Project accounts, Gainesville Regional Utilities, and other partnerships as determined by the City.

RECOMMENDATION

The City Commission to authorize the City Manager or designee to execute the cost share agreement between the City of Gainesville and St. Johns River Water Management District, subject to approval by the City Attorney as to form and legality.

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070158.

Acceptance of Florida EMS County Grant Award (B)

This item requests approval to accept \$58,000 in reimbursement grant funding from the Florida Department of Health EMS Grant Program to be distributed to the City of Gainesville through Alachua County.

Explanation: The Florida Department of Health, Bureau of Emergency Medical Services (BEMS), awards funds from the State EMS Trust Fund to boards of county commissioners to improve and enhance pre-hospital emergency medical services in their counties. The annual amount allocated to each county is proportional to the amount of traffic fine surcharges collected in the county as a result of motor vehicle infractions.

Alachua County has been allocated \$147,559.00 for the grant period July 1, 2007 through September 30, 2007. Gainesville Fire Rescue (GFR) has requested funding to enhance the City's emergency medical services through the purchase of: 1) one carboxy-methemoglobin monitor to measure patients' carbon monoxide and methemoglobin levels; 2) thermal imagers; 3) four-gas detectors; 4) tactical medic deployment packs; and 5) one enhancement package for the technical rescue equipment cache. The award will provide reimbursement funding, at minimum, of \$58,000 for GFR to purchase the equipment.

Fiscal Note: Reimbursement funds will be received from Alachua County in the amount of \$58,000, or greater. There is no required match.

RECOMMENDATION

The City Commission authorize the City Manager to expend the funds for the items requested.

Alternate Recommendation A: The City Commission not authorize the City Manager to expend funds for the items.

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070160.**First Extension to the Contracts for Professional Civil Engineering Services for FY 2008 (B)**

This item involves an extension to the Contracts for Professional Civil Engineering Services with Volkert & Associates, Inc., Causseaux, Hewett, and Walpole, Inc., Comprehensive Engineering Services, Inc. and Dyer, Riddle, Mills & Precourt, Inc.

Explanation: The contract dated November 9, 2006 with Causseaux, Hewett, and Walpole, Inc., the contract dated December 12, 2006 with Comprehensive Engineering Services, Inc., the contract dated December 19, 2006 with Dyer, Riddle, Mills & Precourt, Inc. and the contract dated December 5, 2006 with Volkert & Associates, Inc. will expire on September 30, 2007. The vendors have responded to the City's requests for services promptly and their services have been reliable and accurate.

The contracts allow for five one-year extensions. This is the first request for an extension to each contract.

Fiscal Note: Funding sources will be identified as needed through the Public Works Department fiscal year operating budget and the City's Capital Improvement Plan capital project accounts

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the First Extensions to the contracts with Volkert & Associates, Inc., Causseaux, Hewett, and Walpole, Inc., Comprehensive Engineering Services, Inc. and Dyer, Riddle, Mills & Precourt, Inc., for Professional Civil Engineering Services, extending the term of the contract from October 1, 2007 to September 30, 2008, subject to final appropriation of funds for FY2008.

Alternative Recommendation: The City Commission deny the recommendation for the First Extensions and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.

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070162.**Second Extension to the Contracts for Professional Surveying and Mapping Services for FY 2008 (B)**

This item involves an extension to the Contracts for Professional Surveying

and Mapping Services with Terrence Brannan Land Surveyor, Inc. and George F. Young, Inc.

Explanation: The contract dated April 4, 2006 and First Extension dated December 19, 2006, with George F. Young, Inc., and the contract dated June 2, 2006 and First Extension dated December 12, 2006, with Terrence Brannan Land Surveyor, Inc. will expire on September 30, 2007. Both vendors have responded to the City's requests for services promptly and their services have been reliable and accurate.

The contracts allow for five one-year extensions. This is the second request for an extension to each contract.

Fiscal Note: Funding sources will be identified as needed from the Public Works Department fiscal year operating budget and the City's Capital Improvement Plan capital project accounts.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Second Extensions to the contracts with George F. Young, Inc., and Terrence Brannan Land Surveyor, Inc. for Professional Surveying and Mapping Services, extending the term of the contract from October 1, 2007 to September 30, 2008, subject to final appropriation of funds for FY2008.

Alternative Recommendation A: The City Commission deny the recommendation for the Second Extensions and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.

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070163.

The Palms Parking Agreement (B)

This item recommends the City Commission approve a License Agreement to allow The Palms the use of 96 parking spaces in the Southwest Downtown Parking Garage.

Explanation: The Palms is requesting the use of 96 parking spaces in the Southwest Downtown Parking Garage (Garage) for the 10-story building with 48 two bedroom/two bath condominium units to be constructed on the property immediately south and adjacent to the Garage by the developer, Southwest Second Avenue, LLC.

Staff has reviewed the allocation of parking spaces in the Garage. Based on parking agreements with Alachua County, Ken and Linda McGurn (KLM), and Gainesville Greens (G Greens), and the request from The Palms, the allocation of the 842 parking spaces in the garage will be as follows:

Public = 375
 KLM = 138
 G Greens = 233
 The Palms = 96
 Total = 842

The 375 public parking spaces will meet the demand for public parking.

Fiscal Note: The revenue amount will be paid annually based on the prevailing rate in January of each year for the 96 parking spaces in the Garage. The payments will commence January 2009.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the LICENSE AGREEMENT FOR USE OF PARKING GARAGE between The Palms and the City of Gainesville, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission not approve the LICENSE AGREEMENT FOR USE OF PARKING GARAGE and forfeits the option to generate steady revenue for guaranteed usage of the 96 parking spaces.

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070182.

Acceptance of \$30,000 check from Wal-Mart Stores, Inc. for Cedar Grove Park Equipment (B)

This is a request that the City Commission accepts the \$30,000 donation from Wal-Mart Stores, Inc. for installation of park equipment in the Cedar Grove II subdivision.

Explanation: The Cedar Grove II Homeowners Association held a special meeting on April 20, 2006 for purposes of drafting a special request letter to Wal-Mart officials. The association was interested in what Wal-Mart would do for the homeowners of Cedar Grove, because the Super Wal-Mart is being built in such close proximity to their homes. One of the special requests listed in the letter was installation of park equipment in the Cedar Grove II passive park. The letter was sent to Wal-Mart on June 2, 2006 from the Cedar Grove II Board of Directors. Wal-Mart officials responded to the Board of Directors via letter dated September 5, 2006. Wal-Mart committed to an undetermined amount for park equipment through a grant to the City of Gainesville.

On April 30, 2007, Wal-Mart held a ground breaking ceremony near the proposed site. At this ceremony, a check in the amount of \$30,000 was presented to the City of Gainesville and the Cedar Grove II Homeowners Association for installation of playground equipment in the park.

Fiscal Note: The funding for the playground equipment will be paid with the \$30,000

donation from Wal-Mart.

RECOMMENDATION

The City Commission: 1) approve the acceptance of the \$30,000 donation from Wal-Mart Stores, Inc. for the Cedar Grove II Park equipment.

Alternative Recommendation: The City Commission refuse acceptance of the \$30,000 donation from Wal-Mart Stores, Inc.

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070193.

Grant Award - Florida Department of Environmental Protection Invasive Upland Plant Removal Program (NB)

This item requests that the City Commission permit the Parks, Recreation, and Cultural Affairs Department to accept a grant from the State of Florida for control of invasive weeds in Loblolly Woods Nature Park.

Explanation: The Nature Operations Division of the Department of Parks, Recreation, and Cultural Affairs has received a notice of award of a grant from the Florida Department of Environmental Protection (DEP) Invasive Upland Plant Removal Program for non-native invasive plant control activities in conservation areas of the State. The intent of this grant is to provide funding to public agencies for control of non-native invasive plant species on public lands managed for the conservation of natural resources.

Non-native invasive plants are recognized as a significant threat to native plants and wildlife. Nature Operations controls non-native invasive plants in the City of Gainesville nature parks for the benefit of both the public and the natural resources in the parks.

This project will entail control of invasive vines in approximately 80 acres of Loblolly Woods Nature Park. DEP contractors will perform the invasive weed control operating under the supervision of the City's Nature Operations Division Natural Resource Management staff. A contract between the City and the DEP will be required to allow the contractors' activities on City property.

The DEP requires that follow-up monitoring and the maintenance of the control site by the managing site steward be available in perpetuity. This commitment requires the City to manage and maintain City nature parks and conservation areas. The perpetuity of these activities is also required by the City's Comprehensive Plan.

Fiscal Note: The value of contract services through this grant is \$32,320. The City provides \$32,855 in in-kind services for existing City invasive weed removal and education programs as matching funds.

RECOMMENDATION

The City Commission: Authorize the City Manager to execute the contract and other grant-related documents, pending approval by the City Attorney as

to form and legality.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

070206.

Central Utility Plant to Support the New Shands Hospital Complex (NB)

Staff recommends increasing the General Manger's authorization level from \$35,000,000.00 to \$40,000,0000.00 For the Central Utility Plant to support the new Shands hospital complex.

Explanation: On January 22, 2007 the City Commission authorized the General Manager to negotiate and execute contracts to design, finance, construct, own and operate a central utility plant on a portion of the new Shands medical complex. The Central Utility Plant (CUP) will efficiently provide chilled water, process steam, emergency and standby power generation, and medical gases to serve the first hospital tower and will be expanded to serve future phases of the project. Since that date, Shands has committed to include the electrical generating facilities needed for a combined heat and power system which uses waste heat for steam and chilled water production, which increases the project's overall cost. Additional architectural detailing and final design decisions also resulted in cost increases. The form of the financial agreement, which is open book cost plus is such that these increases result in unchanged profit levels (as a percent of revenue requirements).

Fiscal Note: Funds are available in the FY 2007 Utility budget and the required funding through October 2009 will be included in future budgets.

RECOMMENDATION

Authorize the General Manager or her designee to negotiate and execute final agreements with Shands and Burns & McDonnell, Inc. for the design, finance, construction, operation, maintenance and future expansion of the CUP required to serve the new medical complex at an initial cost not to exceed \$40,000,000.00 and for a term of 50 years, subject to approval by the City Attorney as to form and legality.

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070204.

Resignation of Gainesville Energy Advisory Committee Member Kathleen Cantwell, MD (B)

RECOMMENDATION

The City Commission accept the resignation of Kathleen Cantwell, MD from the Gainesville Energy

Advisory Committee effective immediately.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

070141.

Report to the City Commission on the 2nd Annual Conference on Best Practices in Building University/City Relations (B)

This item is to provide a report on the 2nd Annual Conference on Best Practices in Building University/City Relations that was held in Gainesville on June 7-10, 2007.

Explanation: On June 7-10, 2007, the City of Gainesville, University of Florida and Santa Fe Community College co-hosted the 2nd Annual Conference on Best Practices in Building University/City Relations. The theme of this year's conference was "Living and Learning Together to Unite Our Communities". The mission of this Conference was to provide higher education and local government officials from throughout the United States and Canada with an opportunity to come together and learn from one another about city and university practices that build positive relationships and address Town Gown concerns. The City Commission allocated \$4,000 from the City Commission Contingency account towards the cost of the Conference. This is a report on the Conference results by the Chair of the Conference Planning Committee, University of Florida Assistant Dean of Students and Director of Off-Campus Life Ms. Nora Kilroy.

Fiscal Note: None

RECOMMENDATION

The City Commission receive a report from the Conference Planning Committee

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GENERAL MANAGER FOR UTILITIES

070123.**Public Utilities Regulatory Policy Act (PURPA) Requirements (B)**

On June 25, 2007, staff presented the Staff Recommendation, the schedule and public participation procedure for consideration and determination of Standards 14 and 15 of the Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), 16 U.S.C. §2621(d)(14) and (15). The City Commission received public input and made comments. The Recommended Decision prepared by staff outlines considerations, findings and determinations recommended for the City Commission.

Explanation: The Public Utility Regulatory Policies Act of 1978 (PURPA) was enacted as part of the National Energy Act by President Jimmy Carter. The Energy Policy Act of 2005 (EPAct 2005) adds five additional PURPA standards that state commissions and non-regulated utilities must consider. These include (1) net metering; (2) fuel diversity; (3) fossil fuel generation efficiency; (4) time based metering and communications; and (5) interconnection standards for distributed resources. The City Commission took initial action to meet the PURPA requirements on July 31, 2006.

PURPA jurisdictional members have until August 8, 2007, to begin consideration of time based metering and communications (Standard 14), and interconnection standards for distributed resources (Standard 15). The action of the City Commission will satisfy the PURPA requirements.

Fiscal Note: The estimated cost for consideration and determination of PURPA requirements is included in the FY 2007-08 Budget.

RECOMMENDATION

The Gainesville City Commission find as to Standard 14 of the Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), the following:

- 1. Time based metering and communications promote conservation and the efficient use of utility resources; and,*
- 2. Standards implementing procedures for time based metering and communications should be adopted; and,*
- 3. Voluntary time differentiated rates for all classes should be developed for implementation October 1, 2008.*

The Gainesville City Commission find as to Standard 15 of the Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), the following:

- 1. Standards will assist customers in determining requirements for interconnection; and,*
- 2. The interconnection of distributed generation is an efficient and effective way to support the electrical systems; and,*
- 3. Standards implementing interconnection for distributed resources should be adopted to establish terms and conditions to facilitate the interconnection to the electric systems, effective October 1, 2007.*

The Gainesville City Commission makes the following determinations:

a) Standard 14 of the Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), 16 U.S.C. §2621(d)(14) should be implemented through the adoption of voluntary time differentiated rates for all classes of customer by October 1, 2008; and,

b) Standard 15 of the Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), 16 U.S.C. §2621(d)(15) should be implemented through the adoption of interconnection standards to support distributed generation at any scale, by October 1, 2007.

Legislative History

6/11/07	City Commission	Heard
6/25/07	City Commission	Approved as shown above (See Motion) (6 - 0 - 1 Absent)

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CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

070195.**Clerk of the Commission Evaluation (NB)****RECOMMENDATION**

The City Commission review the performance of the Clerk of the Commission.

060016.**Overlay Significant Ecological Communities District on certain property (B)**

Petition 42ZON-06 PB. City of Gainesville. Amend the City of Gainesville Land Development Code by overlaying the Significant Ecological Communities District on property zoned AGR (Agriculture district), I-1 (Limited industrial district) and I-2 (General industrial district) and RSF-1 (3.5 units/acre single-family residential district) on approximately 787 acres. Generally located at 1300 and 920 Northwest 53rd Avenue, 4555 Northwest 6th Street, 5300 North Main Street, and 3464 Northwest 21st Place.

Explanation: These parcels were continued by the City Plan Board at their April 20, 2006 meeting. At that meeting, the Board requested that this petition be continued until additional parcel ranking information could be supplied, and until a qualified environmental professional could attend the Board hearing to answer questions about how the parcels are ranked.

Since the April 20, 2006 Board meeting, the City has hired an environmental consultant to respond to the Board's requests regarding this (and other) Significant Ecological Communities petitions. That consultant has prepared detailed summaries of the environmental conditions found at each of the parcels being proposed for inclusion in the Significant Ecological Communities Overlay District.

There are eight parcels associated with this petition. They are found in the Buck Bay industrial area. Each of the eight parcels are rated "high" for ecological value in 2001.

Since the April 20, 2006 Board meeting, tax parcel 6415-001-000 (a ninth parcel) has been removed from this petition because it has been developed.

Public notice was published in the Gainesville Sun on April 3, 2007. Letters were mailed to surrounding property owners on April 4, 2007. The Plan Board held a public hearing April 19, 2007.

The Plan Board heard the petition and recommended that parcels 6415-001-000 and 07965-002-000 be deleted from the parcels listed in the petition and that the petition be approved.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City

Commission approve Petition 42ZON-06 PB. Plan Board vote 4-0 and 1 abstain.

Staff to Plan Board - Approve

Legislative History

6/25/07 City Commission Continued (Petition) (6 - 0 - 1 Absent)

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COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

070197.

Electric Lineworker Appreciation Day - July 9, 2007 (B)

RECOMMENDATION

GRU Electric Systems Ops Manager & Team Sponsor David Sparks, GRU Journeyman Lineworker Brad Thomas, and GRU Lineworker Apprentice Darren Briscoe to accept the proclamation.

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070198.

Americans with Disabilities Act Awareness Month - July 2007 (B)

RECOMMENDATION

City of Gainesville Equal Opportunity Director Jimmie Williams to accept the proclamation.

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070205.

Partnership for Working Toward Inclusive Communities (B)

RECOMMENDATION

Equal Opportunity Director Jimmie Williams to accept the proclamation.

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CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

061043.

PARKING SPACES FOR CORPORATE OFFICES AND CALL CENTERS (B)

Ordinance No. 0-07-29; Petition 22TCH-07PB

An ordinance of the City of Gainesville, Florida, amending Section 30-332 of the Land Development Code, relating to required number of parking spaces; adding parking space requirements for corporate offices and call centers to subsection 30-332(c); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

It was brought to staff's attention that the City's Land Development Code does not allow adequate parking spaces for large corporate office buildings and/or call centers. Large corporations such as insurance and mortgage companies require more parking spaces for employees than the current code allows. Based on what staff is hearing from the industry, there may be up to 5 employees (60 square feet each) occupying a 300 square foot space. This issue was brought to the attention of staff by Nationwide Insurance as they plan for expansion within the City of Gainesville. Section 30-332 of the Land Development Code establishes the minimum number of parking spaces required for each development. For service type uses, such as banks, insurance and real estate businesses, the code requires 1 parking space per 300 square feet of gross floor area. However, Policy 1.6.1 of the Concurrency Management Element of the City of Gainesville 2000-2010 Comprehensive Plan and Section 30-333 of the City's Land Development Code limit parking in excess of the minimum stated in Section 30-332. Staff recommends that Section 30-332 be amended to provide one vehicle space per employee and bicycle spaces that equal 10% of the minimum vehicle spaces.

Public notice was published in the Gainesville Sun on February 28, 2007. At its public hearing on March 15, 2007, the City Plan Board unanimously approved Petition 22TCH-07 PB and recommended that the City Commission approve the Petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If the ordinance passes on the first reading, second and final reading will be held on July 23, 2007.

RECOMMENDATION

The City Commission (1) approve Petition 22 TCH-07 PB; and (2) adopt the proposed ordinance.

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050749.**ROAM TOWING REGULATIONS (B)****Ordinance No.: 0-07-40**

An ordinance of the City of Gainesville amending Chapter 14.5, Article III, consisting of Sections 14.5-25 thru 14.5-38 of the Gainesville Code of Ordinances relating to towing from certain private property; by providing definitions; by requiring owner, operator and vehicle registration for trespass towing; requiring wrecker operator permits; providing permit specifications; providing for permit revocation and appeal; clarifying requirement for agreement when property ownership changes; requiring the establishment of maximum rates for multiple classes of vehicles; requiring cash, major credit card and debit card payment options; prohibiting temporary storage of vehicles under tow; requiring photographs depicting violation and requiring telephone monitoring or staffing to provide specified information to owners or authorized drivers of vehicles; amending the Police section of Appendix A, Schedule of Fees, Rates and Charges by providing registration and permit fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission on July 10, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 14.5, Article III of the Code of Ordinances. The amendment of Chapter 14.5 was before the City Commission on February 26, 2007 for first reading. The amendment provided for owner, operator and vehicle registration before engaging in trespass towing; required wrecker operators to obtain a permit; set permit specifications; and provided grounds for revocation and parameters for appeal. Additionally, the amendment clarified the need for a new agreement when property ownership changes; requires the acceptance of major credit cards in addition to cash and debit card; required the photographing of parking violations; and required telephone monitoring or staffing to provide information to the driver or authorized driver of vehicles. At first reading, the City Commission referred the ordinance back to the Public Safety for further consideration, including three specific issues related to employee discipline, the time-frame for accumulation of violations leading to suspension of trespass tow authority, and the review of the need for limitations of felony violations on eligibility for a permit.

On June 11, 2007, a presentation was made to the City Commission clarifying that the violations leading to a suspension must occur during a one-year time-frame, refining criminal violations which make an operator ineligible for a permit, and addressing the affect of discipline of operators on owner's suspension. Additionally, the revised amendment defines the term "physically connected", prohibits the temporary storage of vehicles under tow, provides two-tiers for suspensions and provides for the establishment of maximum towing

rates for different classes of vehicles by Resolution of the City Commission. The City Commission also requested that the amendment make clear that all the listed forms of payment be accepted.

RECOMMENDATION

The City Commission: 1) adopt the proposed ordinance and 2) authorize the City Attorney to draft a resolution setting maximum fees for different classes of vehicles as provided for in the "TRAA Vehicle Identification Guide".

Legislative History

11/28/05	City Commission	Referred	Public Safety Committee
12/15/05	Public Safety Committee	Discussed	
2/16/06	Public Safety Committee	Discussed	
3/16/06	Public Safety Committee	Discussed	
4/10/06	City Commission	Approved as Recommended (4 - 0 - 3 Absent)	
6/15/06	Public Safety Committee	Discussed	
7/10/06	City Commission	Approved as Recommended (7 - 0)	
2/26/07	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
3/29/07	Public Safety Committee	Discussed	
5/17/07	Public Safety Committee	Recommended for Approval	
6/11/07	City Commission	Approved as Recommended (7 - 0)	

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051224.**DOMESTIC PARTNERSHIP REGISTRY (B)****Ordinance No. 0-07-46**

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances of the City of Gainesville, by creating and adding an Article VII, under Chapter 2 of the Code, entitled "Registered Domestic Partnerships," providing for registered domestic partnerships and setting forth the rights and legal effects of such partnerships; amending Appendix "A" by creating and adding a section entitled "Registered Domestic Partnerships," setting forth fees; 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 June 11, 2007, authorized the City Attorney to draft and the Clerk of the Commission to advertise an Ordinance establishing a domestic partner registry.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be

July 23, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

4/3/06	City Commission	Referred	Equal Opportunity Committee
5/1/06	Equal Opportunity Committee	Discussed	
6/5/06	Equal Opportunity Committee	Discussed	
7/20/06	Equal Opportunity Committee	Discussed	
10/10/06	Equal Opportunity Committee	Discussed	
1/18/07	Equal Opportunity Committee	Discussed	
3/14/07	Equal Opportunity Committee	Recommended for Approval, as shown above	
6/11/07	City Commission	Approved, as shown above - See Motion(s)	

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070089.

LAND DEVELOPMENT CODE AMENDMENT - NONCONFORMING USES (B)

Ordinance No. 0-07-45, Petition No. 51TCH-07PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; amending Section 30-346(d) providing that the Standard Industrial Classification Manual categories are not used in residential districts for classification purposes; and providing that a non-conforming membership organization in a residential district may be changed to a place of religious assembly; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

The text changes to the nonconforming section of the code are proposed to make sure that the City is in accordance with the Religious Land Use and Institutionalized Persons Act, as codified in 42 U.S.C.A. §2000cc. The Act requires that no government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person or institution is in furtherance of a compelling governmental interest and is the least restrictive means of furthering the compelling government interest. Additionally, the Act specifies that "no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution."

The proposed change would allow nonconforming membership organizations such as civic and social clubs and meeting halls to be changed to a place of religious assembly without a Special Use Permit in residential districts. This amendment further clarifies that the Standard Industrial Classification Manual (SIC) categories are not used in residential districts for classification purposes.

The City Plan Board heard the petition and recommended that it be denied. (NOTE: The Plan Board denied the petition because a city attorney was not present to explain the petition.) It is City staff's position that the petition be approved.

Public notice was published in the Gainesville Sun on May 1, 2007. The Plan Board held a public hearing May 17, 2007.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of June 18, 2007, approved the Petition and authorized the City Attorney's Office to prepare the necessary ordinance amending Section 30-346(d) of the Land Development Code of the City of Gainesville.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/11/07	City Commission	Continued (Petition)
6/18/07	City Commission	Approved (Petition) (7 - 0)

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070088.

ADULT AND SEXUALLY ORIENTED BUSINESSES, NON-CONFORMING USE (B)

Ordinance No. 0-07-47; Petition 53TCH-07PB

An ordinance of the City of Gainesville, Florida, amending Section 30-90 of the Land Development Code, relating to adult and sexually oriented establishments; deleting the requirement in subsection 30-90(f) that a change of tenant or ownership terminates an existing nonconforming use; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

The City Attorney's Office has advised staff that the language in Section 30-90(f) dealing with the change of tenant or ownership of nonconforming adult and sexually oriented establishments is likely unconstitutional based on recent case law and therefore should be stricken from the code.

Public Notice of the Petition and a Plan Board meeting was published in the Gainesville Sun on May 1, 2007. On May 17, 2007, the Plan Board voted to deny the Petition and requested that in future petitions that involve legal issues,

that the City Attorney send a representative. At its meeting on June 11, 2007, the City Commission approved the Petition and authorized the City Attorney's Office to prepare and the Clerk's Office to advertise the ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If the ordinance passes on the first reading, second and final reading will be held on July 23, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/11/07 City Commission Approved (Petition) (6 - 1)

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061107.

PEDDLING, CANVASSING, SOLICITING AND PANHANDLING (B)

ORDINANCE NO.: 0-07-48

An ordinance of the City of Gainesville, Florida, amending Chapter 19 of the Code of Ordinances entitled Peddlers, Solicitors and Canvassers, consisting of Sections 19-15 thru 19-17, Section 19-20, Sections 19-79 thru 19-82, Section 19-96, and Sections 19-126 thru 19-127; repealing Sections 19-51 thru 19-55, Sections 19-110 thru 19-113, and Sections 19-122 thru 19-124 of the Code of Ordinances; providing for the purpose and intent to promote the public health, welfare and safety; providing definitions; providing restrictions and requirements; prohibiting peddlers from peddling from any operator or occupant of a vehicle that is on a portion of a public street that is in use by vehicular traffic; prohibiting operators or occupant of vehicles that are in traffic on a public street from buying goods, wares or merchandise from peddlers while vehicle is on portion of public street in use by vehicular traffic; prohibiting any person from standing on a traffic median, bicycle path or public street to peddle or canvass from an operator or occupant of any vehicle when in use by vehicular traffic; prohibiting beggars, panhandlers or solicitors from begging, panhandling or soliciting from any operator or occupant of a vehicle that is in traffic on a public street; prohibiting any operator or occupant of a vehicle that is in traffic on a public street from engaging in a transaction with a beggar, panhandler or solicitor while a vehicle is on a portion of a public street in use by vehicular traffic; prohibiting any person from standing on a traffic median, bicycle path or public street to beg, panhandle or solicit when in use by vehicular traffic; repealing Article III relating to fundraising by a nonprofit organization; amending restrictions and prohibitions on begging, panhandling or soliciting on private and public property; removing sign message requirements for vending booths and itinerant vendors; repealing Article V relating to street solicitation by a nonprofit organization; amending the definition of handbills; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Explanation: The City Commission on April 23, 2007, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 19 of the Code of Ordinances.

On April 23, 2007, a presentation was made to the City Commission by Gainesville Police Department staff on solicitation of funds and panhandling from City medians and right-of-ways and solution alternatives. On February 26, 2007 the City Commission expressed concern regarding this behavior and referenced the numerous solicitors and panhandlers which have increased. Current legal restrictions prohibit Gainesville Police Department from enforcing the panhandling and options are needed to resolve.

RECOMMENDATION *The City Commission: 1) hear staff presentation; and 2) adopt the proposed ordinance.*

Legislative History

4/9/07	City Commission	Withdrawn
4/23/07	City Commission	Approved as shown above (See Motion) (7 - 0)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

070025.

SECONDHAND DEALER HOLD-ORDERS (B)

Ordinance No. 0-07-37

An ordinance of the City of Gainesville, Florida, amending section 22-22 of Article II of Chapter 22, Code of Ordinances, entitled Secondhand Dealers; increasing the number of days for hold-orders; providing for directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on May 14, 2007, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance increasing the number of days on hold-orders for secondhand dealers, from 60 to 90 days. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be held on Monday, July 9, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/14/07	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
6/25/07	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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070027.

GENERAL EMPLOYEES PENSION PLAN AMENDMENT (B)

Ordinance No. 0-07-42

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances of the City of Gainesville, relating to The General Employees Pension Plan; amending section 2-526, Benefits, relating to maximum benefits and direct transfers of eligible rollover distributions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its May 14, 2007 meeting, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the General Employees Pension Plan.

The recently adopted federal Pension Protection Act of 2006 made permanent some earlier ERISA/Internal Revenue Code provisions that affected the City's pension plans and imposed at least one new requirement. It is necessary to update plan provisions related to these ERISA/tax code qualification requirements. Changes generally involve eliminating prior restrictions and adding the ability of non-spouse beneficiaries to roll over certain distributions in the event of death of the member and avoid distribution being a taxable event. The changes are already being made as part of the amendment to the Police Officers and Firefighters Consolidated Pension Plan. There is no cost to the City associated with these changes and, as indicated above, potential benefits to the members.

Should this ordinance pass on first reading, second and final reading of the ordinance will be held on Monday, July 9, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/14/07	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
6/25/07	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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070012.

**CONSOLIDATED POLICE OFFICERS AND FIREFIGHTERS
RETIREMENT PLAN (B)**

Ordinance No. 0-07-22

An ordinance of the City of Gainesville, Florida, amending provisions relating to the Consolidated Police Officers and Firefighters Retirement Plan, Article VII, Division 8 of Chapter 2 of the Code of Ordinances, by amending section 2-596, Definitions; 2-598, Eligibility and participation; section 2-599, Contributions; section 2-600, Retirement dates and benefits; section 2-601, Optional forms of retirement income; section 2-602, Administration of the plan, section 2-606, Miscellaneous relating to beneficiaries; section 2-607, Cost of living adjustment of benefits; and section 2-633(d) of Article XI, Retiree Health Insurance Program and Trust Fund, of Chapter 2 of the Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date, and limited retroactive effect.

Explanation: The attached ordinance is a result of lengthy negotiations between management and police and fire union representatives regarding mostly state-mandated changes to the benefit structure of the Consolidated Police Officers and Firefighters Retirement Plan. Prior to legislation adopted by the state in 1999, most cities throughout the State of Florida who operated defined benefit plans for police officers and firefighters took advantage of provisions contained in Chapters 175 (firefighters) and Chapter 185 (police officers), which allowed cities to impose taxes on property and casualty insurance premiums for policies issued within their jurisdiction. This tax (collected by the state) is remitted to the cities for the purposes of providing funding for police officer and firefighter retirement benefits. Prior to 1999, chapters 175 and 185 had provided a benefits structure for such plans, which could be adopted verbatim by a participating municipality, and these were called "chapter plans." Most municipalities, however, utilized provisions that allowed them to create their own plan design while meeting a few specific, mandated minimum requirements. These were called "local law plans." These latter plans often provided for greater benefits, i.e., multiplier, in one area than did the chapter plans, but might not provide one or more of the non-mandated chapter plan provisions.

The 1999 legislation modified chapter plan requirements and mandated that each and every one of these requirements as minimum benefit requirements for municipalities who wished to participate in receipt of the tax monies. While municipalities were now required to provide benefits that they had not previously provided and/or at levels they had not previously provided, the municipalities were not allowed to decrease benefits that were presently being provided at a higher than minimum level in order to offset the new benefits. Part of the 1999 legislation, however, provided that the municipalities did not have to provide the new mandated minimum benefits until additional increments of tax monies, i.e., increases in annual receipts above that which was in effect in 1997, could provide funding for the new minimums. That incremental increase since 1997 has finally allowed the City to fund amendments to the Police Officers and Firefighters Consolidated Plan, which provides the minimum benefits, and at least the amounts required. Part of this ability is based upon an agreement by the city, the state, and union representatives on the base amount to be used to calculate additional incremental premium tax for the purpose of providing future extra benefits for members. Most of the ordinance involves changes to adopt all the new mandated minimum standards. A section by section analysis follows.

Section 1 of the ordinance updates the definitions, including providing for a slight increase in the multiplier, for months of service after October 1, 2005. This increase is not part of the "minimums" but instead a negotiated increase. Service credit rules are modified to generally conform to the "chapter minimums" regarding when such would be earned for service other than as a certified police officer or firefighter, bought back in the event of break in service, and when employee contributions may be left in the plan during a break in service.

Section 2 involves technical changes regarding administration of the reverse DROP, discussed infra, and new benefits to be available to employees at some point in time after they separate from service prior to eligibility for immediate early or normal retirement.

Section 3 again deals with one aspect of the reverse DROP. It also recognizes the effect of these changes meeting the minimum benefit requirements under the 1999 legislation, and memorializes the agreed upon "base amount" for future "extra benefits." There has been a minor amendment between first and second reading to utilize language preferred by the Plan Actuary, by now referring to the base "amount," rather than base "year."

Section 4 adds the "Rule of 70" as a basis for normal retirement and details the new "minimums" by first changing the standard form of benefit from a life annuity to a 10 year certain and life annuity. An early retirement benefit is added as well. Technical changes to disability benefits to meet the minimum standards are further reflected in Section 4. Section 4 provides for specific death benefit and varying benefits available to an employee who terminates prior to retirement eligibility, as well as benefits available to such persons should they become re-employed. Section 4 also includes some updates attributable to recent federal legislation regarding plan qualification standards. Section 4 also modifies the deferred retirement option program (DROP), to provide for a "reverse" DROP and to provide that future regular and reverse DROP accounts will be accounted for separately within the plan with an assumed rate of return, rather than as accounts independently invested, administered by third party administrators. In a reverse DROP an employee who has already met the years of service and/or age requirements declares his or her intention to resign and have the period of employment since becoming eligible for a DROP to be treated as if he or she had already entered the DROP. The DROP benefit is calculated as if he or she had entered the DROP at this date in the past. Section 4 also provides the opportunity for plan members to "purchase" credited service under the City's plan for time spent in other public safety or military service prior to employment with the City. Members need to meet certain technical requirements and pay the full actuarial cost of such service, and are limited to purchasing up to a total of five years. Members may purchase such service using funds from other qualified plans, such as, for example, the City's 457 deferred compensation plan.

Section 5 provides for the optional forms of benefit (other than the standard 10 year certain and life) to meet the "minimum standards." These optional forms are the actuarial equivalent of the value of the 10 year certain and life benefit. Subsequent to the first reading of this ordinance, the City Manager requested that the Joint Annuity Option currently available to members be retained as an additional optional form of benefit. For this reason, and changes to a few dates within the ordinance to reflect two weeks continuance caused by the police union's failure to ratify the changes, the recommendation is to adopt the proposed ordinance as amended.

Section 6 makes minor technical changes to plan administration and specifically authorizes that payments may be made from the plan to various entities, including provisions intended to take advantage of favorable tax treatment of premium payments that retired public safety officers may make to health insurance plans.

Section 7 provides for "minimum" standards regarding beneficiary designation and distributions.

Section 8 provides for a COLA beginning at age 62 for employees who retire under the Rule of 70, with less than 20 years of service.

Section 9 clarifies calculation of retiree health insurance subsidies for employees utilizing the reverse DROP.

The ordinance changes are effective prospectively, applying to employee members who have not entered a regular DROP as of ordinance adoption.

Fiscal Note: The annual cost of the benefit improvements proposed is \$343,554. These proposed benefit improvements include changes that enable the City to meet of all the minimum benefit requirements outlined in Chapters 175 and 185 of Florida Statutes. This incremental cost is funded through the increase in the actuarial value of the Consolidated Plans' assets related to meeting these statutory minimums.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/14/07	City Commission	Adopted on First Reading (Ordinance) (7 - 0)
6/11/07	City Commission	Continued (2nd Reading) (7 - 0)
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051019

REZONING AND IMPOSING THE SIGNIFICANT ECOLOGICAL COMMUNITIES OVERLAY DISTRICT ON CERTAIN PROPERTIES IN SOUTHEAST GAINESVILLE (B)

Ordinance No. 0-06-58, Petition No. 23ZON-06PB(A)

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning and imposing the Significant Ecological Communities Overlay District category on certain properties zoned RMF-5 (12 units/acre residential low density district), RMF-6 (8-15 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) consisting of Tax Parcels 11243-000-000, 11283-000-000, 11284-000-000, 11286-000-000, 11287-000-000, 11288-000-000, 11356-000,000 and 16073-000-000 (totaling approximately 47 acres in size), and generally located east of Southeast 24th Street between East University Avenue and Southeast Hawthorne Road, as more specifically described in this ordinance; making findings; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

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.

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.

The Plan Board heard and approved the Petition, with the recommendation that staff meet with Mr. Nichols, owner of Tax Parcel 15975-000-00, to hear his concerns and explain the overlay in detail. 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.

On May 8, 2006, the City Commission heard and approved the Petition.

CITY ATTORNEY MEMORANDUM

The parcels that comprise Petition No. 23 ZON-06 PB have been split into three ordinances based on the geographic proximity of the parcels and the connectivity of environmental features and functions of the parcels. This is the first of the three ordinances.

This ordinance requires two readings. Should the Commission adopt the ordinance on first reading, the second and final reading will be July 9, 2007.

RECOMMENDATION

The City Commission: (1) hear a presentation from staff; and (2) adopt the proposed ordinance.

Legislative History

5/8/06	City Commission	Approved (Petition) (4 - 2 - 1 Absent)
6/25/07	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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RESOLUTIONS- ROLL CALL REQUIRED**070161. Resolution Concerning the City of Gainesville's Regional Transit System FY2007 Program of Projects (POP) and FY 2004-2005 Performance Measures (B)**

This item involves a Resolution authorizing the filing of an application with the Federal Transit Administration (FTA) and Florida Department of Transportation (FDOT).

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) approve the Program of Projects for FY 2007.

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PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****070196.**

Appeal of Denial by Historic Preservation Board of Certificate of Appropriateness for Demolition of 1102 Southwest 6th Avenue, 1116 Southwest 6th Avenue, and the garage behind 1101 Southwest 5th Avenue. The proposal includes replacing the historic structures with structures ranging in height from three to four stories. (B)

Explanation: The applicant has appealed the Historic Preservation Board's June 12, 2007, denial of Petition 36COA-07 HPB. That petition is a request for a Certificate of Appropriateness (COA) that includes the construction of a three- to four-story multiple-family structure containing approximately 23 units and 63 bedrooms; the demolition of contributing accessory structures; and the demolition of a non-contributing principal structure.

The subject property is located within the University Heights-South Historic District, along the north side of Southwest 6th Avenue, between Southwest 10th and 12th Streets. This property is approximately two-thirds of an acre in size, and is zoned RH-2, Residential High Density (8-100 dwelling units per acre). Additionally, the site is located with the University Heights Special Area Plan area.

At the July 9, 2007 City Commission meeting, staff will discuss the evolution of this proposal. At that meeting staff will provide details related to previous development proposals and recommendations for the subject property.

The primary reason cited by the Historic Preservation Board (HPB) for denying the application is the height, mass and proportions of the proposed structure.

The HPB indicated that they felt that a four story high structure on the subject Property was incompatible with the surrounding area, which predominantly consists of one- and two-story buildings. Primarily for those reasons, the HPB determined that the proposal is inconsistent with the City's guidelines, and therefore, voted 8 to 0 to deny the COA.

RECOMMENDATION *The City Commission continue the appeal.*

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UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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