

City of Gainesville

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



Meeting Agenda

January 10, 2005

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER - 1:06 PM**AGENDA STATEMENT**

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

ROLL CALL**INVOCATION****Reverend George L. Champion, Sr., Greater Bethel AME Church**

702 SE 43rd Street, Gainesville, FL 32641

BOARD OF TRUSTEES, CONSENT AGENDA ITEMS**040814****International Growth Equity Manager Selection for the General Employees' Pension Plan (NB)**

Explanation: The Pension Review Committee voted unanimously to recommend to the Board of Trustees the hiring of Gryphon International Investment Corporation as the International Growth Equity Manager for the General Employees' Pension Plan.

Fiscal Note: Fees for the International Growth Equity Manager services are included in the Fiscal Year 2005 budget for the General Employees' Pension Plan.

RECOMMENDATION

The Board of Trustees for the General Employees' Pension Plan approve the selection of Gryphon International Investment Corporation as the International Growth Equity Manager for the General Employees' Pension Plan and authorize the Interim City Manager or designee as Trust Administrator to negotiate and execute all related contract documents, subject to review and approval by the City Attorney as to form and legality.

040815**Real Estate Managers Selection for the General Employees' Pension Plan (NB)**

Explanation: The Pension Review Committee voted unanimously to recommend to the Board of Trustees the hiring of ING Clarion Partners and Principal Global Investors as the two (2) Real Estate Managers for the General Employees' Pension Plan.

Fiscal Note: Fees for the Real Estate Manager services are included in the Fiscal Year 2005 budget for the General Employees' Pension Plan.

RECOMMENDATION

The City Commission authorize: 1) the Board of Trustees for the General Employees' Pension Plan to approve the selection of ING Clarion Partners and Principal Global Investors as the Real Estate Managers for the General Employees' Pension Plan; and 2) authorize the Interim City Manager or designee as Trust Administrator to negotiate and execute all related contract documents subject to review and approval by the City Attorney as to form and legality.

040816**Hedge Fund of Funds Managers Selection for the General Employees' Pension Plan (NB)**

Explanation: The Pension Review Committee voted unanimously to recommend to the Board of Trustees the hiring of Union Bancaire Privee (UBP) Asset Management and Cadogan Management, LLP as the two (2) Hedge Fund of Funds Managers for the General Employees' Pension Plan.

Fiscal Note: Fees for the Hedge Fund of Funds Manager services are included in the Fiscal Year 2005 budget for the General Employees' Pension Plan.

RECOMMENDATION

The Board of Trustees for the General Employees' Pension Plan approve the selection of Union Bancaire Privee (UBP) Asset Management and Cadogan Management, LLP as the Hedge Fund of Funds Managers for the General Employees' Pension Plan and authorize the Interim City Manager or designee as Trust Administrator to negotiate and execute all related contract documents subject to review and approval by the City Attorney as to form and legality.

END OF THE BOARD OF TRUSTEES CONSENT AGENDA - 1:06 PM

ADOPTION OF THE CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS**040817****Grant Award: COPS 2004 "Secure Our Schools" (B)**

Explanation: On October 18, 2004, the City of Gainesville received notification from the U.S. Department of Justice, Office of Community Oriented Policing Services, that it had been awarded \$25,000 in grant funding under the "Secure Our Schools" program. This grant award was the result of a Concept Paper submitted by the Gainesville Police Department on July 19, 2004, and is a partnership with the School Board of Alachua County. This one year grant will fund the implementation of an automated "Visitor Identification and Tracking System" known as "Lobby Track"(r). The system will allow for the electronic tracking of visitors, students, volunteers, monitors, and employees while on facilities operated by the School Board of Alachua County. Computer checks against the Florida Department of Law Enforcement Sexual Predator/Offender database and creation of photo identification cards of staff, students, and visitors are a part of this project.

Fiscal Note: The \$25,000 in grant funds provided by the U.S. Department of Justice COPS Office is a one-year project and requires a \$25,000 match of local funds. The \$25,000 in matching funds have been allocated by the School Board of Alachua County and will not require any matching funds from the City of Gainesville.

RECOMMENDATION

The City Commission authorize the Interim City Manager to accept and execute the grant award and any other necessary documents, subject to review by the City Attorney as to form and legality.

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040818**Grant Award: U.S. Department of Justice's (DOJ) "Project Safe Neighborhoods Grant Program" (NB)**

Explanation: On October 13, 2004, the City of Gainesville received notification that it would be receiving \$77,313 in grant funding under the U.S. Department of Justice's "Project Safe Neighborhoods" Grant Program. The grant will support the "Preventing Youth Firearm Violence" program that will educate youth on safe firearm safety practices and on the seriousness of committing a crime using a firearm, as well as working with juveniles already in the Juvenile Justice system under probation for firearm and weapon offenses. This program will fund overtime assignments that will assist the Gainesville Police Department's Juvenile Resource Officer in conducting probation and curfew checks on juvenile offenders sentenced for gun/weapons violations.

Fiscal Note: This is a three year grant project totaling \$77,313 that does not require any local matching funds.

RECOMMENDATION

The City Commission authorize the Interim City Manager to accept and execute the award agreement

and any other necessary documents, subject to review by the City Attorney as to form and legality.

040819**Grant Award: Florida Department of Law Enforcement, "Law Enforcement Terrorism Prevention Program" (NB)**

Explanation: The City of Gainesville was notified on November 3, 2004 that it would be receiving \$5,190 in grant funding from the Florida Department of Law Enforcement's "Law Enforcement Terrorism Prevention Program." These funds will be utilized by the Gainesville Police Department to help implement the State of Florida's "Domestic Security Strategic Plan" and will provide two ballistic shields, two shield light kits, and four ballistic leg guards.

Fiscal Note: The \$5,190 in grant funds awarded by the Florida Department of Law Enforcement does not require any local matching funds.

RECOMMENDATION

The City Commission authorize the Interim City Manager to accept and execute the grant award and any other necessary grant documents, subject by the City Attorney as to form and legality.

040820**Grant Award: Florida Department of Transportation, "Gainesville Police DUI Specialist (B)**

Explanation: On September 13, 2004, the City of Gainesville received notification from the Florida Department of Transportation that it would be receiving \$ 76,800 in grant funds towards the establishment of a Gainesville Police Department DUI Specialist. This grant award was the result of a "Concept Paper" submitted by the Gainesville Police Department to the Florida Department of Transportation on March 24, 2004. This grant will create an additional sworn officer position within the GPD Traffic Safety Team whose sole duty will be the enforcement of laws involving "Driving Under the Influence (DUI)" related offenses.

Fiscal Note: This is a one year grant project totaling \$76,800 that does not require any local matching funds. The City of Gainesville will have the option of applying for additional funding on a yearly basis from the Florida Department of Transportation. If the City of Gainesville elects to apply for renewed funding, the second year would require local matching funds in the amount of 25% of the project total. If, after the second year of the project, the City of Gainesville elects to apply for renewed funding, the third year of the project would require local matching funds in the amount of 50% of the project total. Following the completion of the third year, the City of Gainesville would be expected, by the Florida Department of Transportation, to continue funding of the project activities.

RECOMMENDATION

The City Commission authorize the Interim City Manager to accept and execute the grant award and

any other necessary documents, subject to review by the City Attorney as to form and legality.

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040821

Florida Department of Law Enforcement "Byrne Grant" Residual Funds for Intoxilyzer 8000 Machines (NB)

Explanation: On December 10, 2004, the City of Gainesville was asked by the Florida Department of Law Enforcement's, (FDLE) Office of Criminal Justice Grants, to have the Gainesville Police Department serve as a subgrantee under the Byrne Grant Program. The City of Gainesville would receive \$12,700 in residual funds from the Byrne Grant Program specifically set aside to purchase new Intoxilyzer 8000 machines used to conduct breath test samples in Driving Under the Influence (DUI) investigations. By serving as the subgrantee at the request of FDLE, the Gainesville Police Department would receive one of the new machines and distribute a second to the Levy County Sheriff's Office, under the terms of the grant award.

Fiscal Note: This is a one-time award of residual Byrne Grant funds in the amount of \$12,700 that does not require any local matching funds. The City of Gainesville would utilize \$6,350 to purchase an Intoxilyzer 8000 machine for the Gainesville Police Department and \$6,350 to purchase a second Intoxilyzer 8000 machine to be distributed to the Levy County Sheriff's Office.

RECOMMENDATION

The City Commission authorize the Interim City Manager to: 1) apply for \$12,700 in residual Byrne Grant funds distributed by the Florida Department of Law Enforcement, and 2) execute the grant award and any other necessary documents, pending review by the City Attorney as to form and legality.

040822

State Emergency Medical Services Matching Grant (NB)

Explanation: Staff recommends submitting an application for a State Emergency Medical Services Matching Grant by February 11, 2005. If awarded, this grant will fund the replacement of Gainesville Fire Rescue's current three lead EKG monitor/defibrillators with 12-lead EKG monitor/defibrillators. The current EKG monitor/defibrillators are 16 years old.

Fiscal Note: The total amount of the grant will be \$266,732.60. This grant requires a 25% match by the City of Gainesville. The amount of the match required from the City will be \$66,683.15, and if awarded, the funding source will be determined at that time.

RECOMMENDATION

The City Commission authorize the Interim City Manager to: 1) apply to the State of Florida under the State Emergency Medical Services Matching Grant for purchase of replacement EKG monitor/defibrillators;

and if awarded, 2) bring back to the Commission a recommendation identifying the matching funds prior to executing the grant award contract.

040823**Contract Award for State of Florida Lobbying Services (B)**

Explanation: On November 24, 2004, the Purchasing Department through Demandstar issued a Request for Proposals (RFP) for State of Florida Lobbying Services. One hundred fifty nine potential vendors were notified and eight downloaded the RFP. Four (4) proposals were received and evaluated based on weighted criteria. The firms were ranked as follows:

<i>Firm:</i>	<i>Total Points (lowest is best)</i>
Doug Bruce & Associates -	5*
William J. Peebles, PA -	6
Karen Thurman & Adams Group Inc -	9
Bryant Miller & Olive PA -	10

* Recommended Award.

Fiscal Note: Funding is available in the FY05-06 budget.

RECOMMENDATION

The City Commission: 1) Approve the ranking of firms as recommended by the selection committee; and 2) authorize the Interim City Manager or designee to negotiate and execute a contract with the top-ranked proposer, or if no contract arrangements can be reached with the top-ranked proposer to negotiate and execute a contract with the second-ranked proposer.

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040824**First Amendment to the Lease for the Solid Waste Division Office Space (B)**

Explanation: The Public Works Department Solid Waste Division has been leasing the office space located at 201 NW 10th Avenue and a portion of an adjacent warehouse located at 920 NW 2nd Street from Mitchell Realty Services, Inc. since October 2003. The Solid Waste Division is requesting to lease the entire building at 920 NW 2nd Street for increased warehouse space and to develop a recycling education center. The monthly lease amount will increase from \$3,900 to \$4,500 per month (an additional \$600 per month).

Fiscal Note: Funding is available in the Solid Waste Division's FY05 operating budget.

RECOMMENDATION

The City Commission: 1) approve the First Amendment to the lease agreement with Mitchell Realty Services, Inc.; and 2) authorize the Interim City

Manager or designee to execute any and all related documents.

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040825

Lease Extension for 211 Northeast 1st Street (B)

Explanation: In April 1999, the City leased 211 Northeast 1st Street to Chandler, Lang, and Haswell, P.A. for legal offices. The term of Addendum Number 3 for that lease expires on April 29, 2005, and Chandler, Lang, and Haswell, P.A. is interested in renewing the lease for another three-year term. The City no longer uses a portion of the building and Chandler, Lang, and Haswell, P.A. has agreed to lease the additional space, which increased the square footage by 524 square feet. This fourth addendum to the lease provides for an adjustment of the rental rates as a result of the revised floor space. The rent would increase from the current \$2,800 per month to \$3,140 per month. The term of the lease will run from May 2005 through April 29, 2008, and will be renewed annually.

Fiscal Note: The City will receive \$37,680 per year in rent. This is an increase of \$4,080 annually.

RECOMMENDATION

The City Commission: 1) approve Addendum Number 4 to the lease between Chandler, Lang, and Haswell, P.A. and the City of Gainesville; and 2) authorize the Interim City Manager or designee to execute the lease Addendum Number 4, and any necessary related documents.

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040826

Consultants to Design and Oversee the Construction of the Expansion of the 39th Avenue Garage (B)

Explanation: The Fleet Management Department currently provides services to the City's fleet of vehicles and equipment from two (2) major garages. The 39th Avenue garage predominantly serves the General Government fleet and the 5th Avenue Garage predominantly serves the GRU fleet. The planned relocation of GRU's downtown Operation Center prompted a study to evaluate several options for a facility that would service the GRU fleet. A centralized garage facility offered the best opportunities for controlling repair and maintenance cost. Expanding the 39th Avenue Garage to achieve this goal requires the smaller capital investment. Requests for Qualifications were made available with five (5) firms responding. After reviewing the responses, the evaluation team invited three (3) firms to make their presentations. Those firms were ranked in the following order: 1) Bentley Architects and Engineers, Inc.; 2) Architects and Design Group, Inc.; and 3) Skinner, Vignola, McLean, Inc.

Fiscal Note: Funds are available in the Fleet Replacement Fund.

RECOMMENDATION

The City Commission approve the ranking and

authorize the Interim City Manager or her designee to negotiate with the firms in the ranked order and then execute a contract with the design firm subject to approval as to form and legality by the City Attorney.

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040827

Revise Rules for City Plan Board (B)

Explanation: The current City Plan Board Rules were last revised in September of 2000 to reflect the addition of a non-voting School Board member. At the request of the Chair of the Board, new and expanded rules were drafted and discussed at several meetings in 2004. The Plan Board approved the revised rules on December 2, 2004.

The new rules include the rationale recommendations on proposed land use and zoning changes and granting of special use permits. The revised rules also include detailed provisions for conducting formal and informal quasi-judicial hearings, and administrative actions. The Secretary/Treasurer position has been eliminated. As Clerk of the Board, the Director of the Community Development Department will appoint a staff member to serve in a non-officer position of secretary, recorder, and custodian of all board records.

Overall, it is felt that the revised rules provide improved procedural guidance and a concise reference for Plan Board hearings and decisions.

Fiscal Note: None

RECOMMENDATION

The City Commission approve the revised City Plan Board rules.

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040828

Interlocal Agreement with the School Board of Alachua County on the Use of School Board Facilities for the Teen Zone After School Program (B)

Explanation: The Teen Zone After School Program has been operating at two School Board sites (Westwood and Kanapha Middle Schools) since the beginning of this school year with both agencies (the City of Gainesville and the School Board of Alachua County) agreeing to the usage. An Interlocal Agreement is needed detailing the terms and conditions of the program.

Fiscal Note: None.

RECOMMENDATION

The City Commission: 1) authorize the Interim City Manager or designee to negotiate all documents and contracts relating to the Interlocal Agreement with the School Board of Alachua County regarding the use of school facilities for the Teen Zone After School Programs; and 2) authorize the Interim City Manager

or designee to execute all documents and contracts relating to the program.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

040835

Reimbursement for Oversizing of Water, Wastewater and Reclaimed Water Facilities at Garrison Way (NB)

Explanation: Garrison Way is a 126 lot single-family residential development being developed by G.W. Robinson Builders located in the 3200-3500 block of SW 75th Street (east side of roadway). A gravity collection system, Force Main (FM), and sewage lift (pumping) station must be constructed to provide wastewater service for the project. The lift station and FM will connect to an existing 20" FM located in the Eastern Right-of-Way of SW 75th Street. The Garrison Way project must also construct a potable water distribution system to serve the development and a reclaimed water system to provide irrigation for landscaping.

Staff has determined there is a significant hydraulic bottleneck (i.e., limitation of flow capacity) in the existing 20" FM along Tower Road between SW 24th Avenue and SW 41st Place. The installation of a parallel 24" FM will alleviate this bottleneck and provide capacity for projected future increased wastewater flows. Providing a redundant pipeline as proposed here provides a significant benefit to our system in the event of a break in the existing FM. In the past, W/WW Engineering has planned to provide a parallel FM along Stage Coach Road from KWRP that would extend North approximately 4,400 Linear Feet (LF) to SW 24th Avenue.

The Garrison Way project provides an opportunity to shorten the FM route (as compared to the latter option discussed above) by approximately 3,300 LF. Approximately 1,600 LF of the proposed 24" FM will be installed as part of this project and GRU WW Construction will continue installation of the remaining 2,500 LF across City of Gainesville (COG) owned property East to the KWRP headworks. GRU Water & Wastewater Engineering is also currently pursuing services for an underground utility survey along SW 75th Street north of Garrison Way to design a route for the remaining 2,600 LF of 24" FM to SW 24th Avenue. Funds for design and construction of the remaining 2,500 LF of 24" FM across COG owned land and the 24" FM portion along SW 75th Street North to SW 24th Avenue will be requested in the FY 2005-2006 W/WW Systems Capital Budget.

The recommended amount of \$272,396.00 includes all construction labor and materials associated with the water and sewer system oversizing as well as 10% contingency for additional costs that may be incurred to satisfactorily complete the work.

Fiscal Note: Monies for this project are available in the FY 04 and FY 05 Water and Wastewater Capital Improvements Budget.

RECOMMENDATION

The City Commission authorize reimbursement to the Developer of Garrison Way, G.W. Robinson Builders, for the oversizing of the water, wastewater and reclaimed water facilities in an amount not to exceed \$272,396.00.

040836**Release of Easement at 2525 NE 13th Avenue, Cedar Grove Unit 1, Lot 12 (B)**

Explanation: When Cedar Grove Unit 1 was developed in 1969, a seven and one-half foot wide public utilities easement was dedicated along all rear and side lot lines via Plat Book. "H", Page 3, filed in the public records of Alachua County. Subsequent to that time, a home was constructed on Lot 12. The current property owner recently had a survey prepared of the property by Kris Ann Gath, Land Surveyor, which reflects that the home encroaches into the platted easement along the rear lot line of Lot 12. The current home owner, Willie Mae Chisholm is desirous of clearing this cloud on her title and requested that the City release its interest in this platted easement.

This request has been reviewed and approved by GRU staff. It has been confirmed that there are no electric, water, sewer, or natural gas utility facilities within the easement to be released. It should be noted that the City is only releasing its interest and that other public utility entities will each have to release their interests separately. The owner has been advised of this fact.

RECOMMENDATION

The City Commission: 1) approve the release of a platted public utilities easement to Willie Mae Chisholm; and 2) authorize the Mayor and Clerk of the Commission to execute the Release of Easement document, subject to approval by the City Attorney as to form and legality.

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CITY ATTORNEY, CONSENT AGENDA ITEMS**040833****EEOC CHARGE NO. 150-2004-03300 DAVID PHILLIPS VS. THE CITY OF GAINESVILLE (B)**

Explanation: On August 2, 2004, the City of Gainesville received a Notice of Charge of Discrimination from the Equal Employment Opportunity Commission. Mr. David Phillips alleges discrimination based on race, Native American.

RECOMMENDATION

The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the case styled David Phillips vs. the City of Gainesville; EEOC

Charge No.: 150-2004-03300.

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040834

EEOC CHARGE NO. 150-2004-03301 CHRISTOPHER PHILLIPS VS. THE CITY OF GAINESVILLE (B)

Explanation: On August 2, 2004, the City of Gainesville received a Notice of Charge of Discrimination from the Equal Employment Opportunity Commission. Mr. Christopher Phillips alleges discrimination based on race, Native American.

RECOMMENDATION

The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the case styled Christopher Phillips vs. the City of Gainesville; EEOC Charge No.: 150-2004-03301.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

040808

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of December 9, 2004 (Special Meeting); and December 13, 2004 (Regular Meeting); as circulated.

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040837

Resignation of Advisory Board/Committee Member Michael House (B)

RECOMMENDATION

The City Commission accept the resignation of Michael House from the Regional Transit System Advisory Board effective December 10, 2004.

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040841

Special Meeting (NB)

RECOMMENDATION

The City Commission schedule a special meeting on January 31, 2005, at 6:00 pm in the City Commission Auditorium regarding the Long Term Energy Plan.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

040163

Advisory Boards and Committee (N/B)

Explanation: On November 10, 2003, the City Commission referred this item to the Personnel & Organizational Structure Committee to discuss advisory board and committee memberships, including student and general appointments, quorums, terms, and term limits, etc; and to discuss the Assistant City Manager's recommendations regarding advisory boards and committees. The P & O Committee met on the following dates to discuss these issues: January 22, 2004, March 25, 2004, April 12, 2004, July 12, 2004, August 3, 2004, and October 5, 2004.

At their October 5, 2004 meeting, the Personnel & Organizational Structure Committee moved to merge #040163 Advisory Boards and Committee Membership with #030651 Advisory Boards and Committees, since both referrals are synonymous.

Fiscal Note: None

RECOMMENDATION

The City Commission remove referral #040163 Advisory Boards and Committee from the Personnel & Organizational Structure Committee referral list.

Legislative History

6/28/04	City Commission	Referred (6 - 0 - 1 Absent)	Personnel and Organizational Structure Committee
8/3/04	Personnel and Organizational Structure Committee	Discussed	
10/5/04	Personnel and Organizational Structure Committee	No Action Taken	

040184

Expanding Personnel & Organizational Structure Committee (NB)

Explanation: This referral was a result of the Mayor's May 14, 2004 Transition/Brainstorming Committees meeting. On July 12, 2004, the City

Commission referred this item to the Personnel & Organizational Structure Committee to discuss expanding the size of the Committee so that the Committee could focus on providing additional communication services, such as making City Commission e-mails available to the public for viewing, to further assist as a liaison between the City and the citizens for conflict resolution, etc.

On October 5, 2004, the Personnel & Organizational Structure Committee met to discuss this item and deemed that there was insufficient staff to take on additional communication duties at this time. The Committee further recommended that they not take action on this item and to request that this referral be removed from the Personnel & Organizational Structure Committee's referral list.

Fiscal Note: None

RECOMMENDATION

The City Commission remove this referral from the Personnel & Organizational Structure Committee's referral list.

Legislative History

7/12/04	City Commission	Referred (7 - 0)	Personnel and Organizational Structure Committee
8/3/04	Personnel and Organizational Structure Committee	Discussed	
10/5/04	Personnel and Organizational Structure Committee	No Action Taken	

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA**CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****040829****Family and Large Family Child Care Homes (B)**

Explanation: During the past few months there has been considerable conversation regarding whether the City should allow for Large Family Child Care Homes, as defined by State Statute. The County has recently amended its code to allow for Large Family Child Care Homes; however, the City currently does not allow for these establishments. Given the changes made by Alachua County and the State, this issue was brought up during Citizen Comment at the October 25, 2004 City Commission meeting and staff has researched this issue. Staff found that the main concern of Family Child Care Home operators is the lack of consistency between City and County codes, particularly in terms of the number of children that can be cared for. To address that issue, staff recommends that the City update the definition of Family Child Care Homes to be consistent with Alachua County.

Of the 112 Family Child Care Homes in Alachua County, 81 are located within the City, mostly in single-family neighborhoods. This is significant because the State requires the operator of a Large Family Child Care Home to have two years experience operating a Family Child Care Home. The implication is that many Family Child Care Homes will be converted to Large Family Child Care Homes. Staff is somewhat concerned that allowing Large Family Child Care Homes in single-family neighborhoods without special regulations may have a negative impact on the neighborhoods in which they are located. The current distribution of Family Child Care Homes indicates that these homes are locating in areas that may no longer be able to rely on deed restrictions to help control the use of property. Some of staff's concerns include parking issues, an overly heavy concentration of homes in one area, and noise issues.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) hear a staff presentation on the issues; 2) provide staff with direction on whether to amend the code to allow Large Family Child Care Homes; and 3) direct staff to initiate a petition to make the City's Family Child Care Home definition consistent with Alachua County's definition.

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040831**City Manager Selection Processes (B)**

Explanation: The City Commission held a Special City Commission meeting on Wednesday, September 22, 2004. At that meeting the City Commission directed Human Resources Director, Tom Motes to prepare an RFP to select a firm/provider to perform an executive search service for the position of City Manager.

Fiscal Note: Funds are available in the City Manager's Personal Service Account

RECOMMENDATION

The City Commission review the RFP and provide direction.

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040832**Addie Hill Status Report/Prospective Business Loan Program (B)**

Explanation: At the December 13, 2004 City Commission meeting, the City Commission directed staff to provide a report on the status of the Addie Hill project and a prospective Business Loan Program.

Addie Hill Status Report

Ms. Hill attended a First Step meeting on July 6, 2004 regarding proposed development of property located at 360 Waldo Road. The subject property fronts on to Waldo Road south of the Shand's Eastside Clinic and is approximately .32 acres in size. A regulated creek runs on the north side of the property; to the west lies NE 12th Street and a residential neighborhood. Ms. Hill indicated that she planned to develop the property as a beauty shop and retail center that seemed to be allowable based upon the property's zoning designation of MU-1. At the time of the First Step meeting, Ms. Hill indicated that she was not the owner, but did indicate that she had a contract pending on the subject property.

Highlights of issues raised in the meeting concerned setback requirements from the regulated creek (a minimum of 35' from top of bank); level of review indicated as Intermediate requiring a Development Review Board hearing; on-site requirements for stormwater management; the fact that sewer is not readily available to the property; the need to potentially install a fire hydrant; the requirement for a neighborhood meeting; the property's location in the Enterprise Zone; and, the need to secure the services of a licensed architect, engineer and State Certified Contractor.

Since the First Step meeting, staff met with Ms. Hill on November 3, 2004 regarding progress made on development of the property. At that meeting, Ms. Hill indicated that she had subsequently been working with the Small Business Development Center on a business plan for her proposed establishment. As a result of this meeting, staff strongly advised that Ms. Hill seek the professional

services of either an engineer or architect to ensure that her development proposal was feasible. Furthermore, staff recommended that Ms. Hill continue to work with SBDC to secure a viable business plan that would be an initial step required in order to secure project financing.

As of the December 13, 2004 City Commission meeting, and a subsequent meeting with Ms. Hill on December 20, 2004 with Interim City Manager Barbara Lipscomb, Ms. Hill related that she now owns the subject property; she continues to work with the SBDC on business plan development; and, would be meeting shortly with UF DCP staff to discuss site design issues. Planning staff has indicated that no site development submissions have been made as a consequence of the July 6, 2004 First Step meeting. With respect to Ms. Hill's December 10, 2004 request for \$25,000 for the prospective project, staff feels that provision of such funding is premature at this stage due to questions regarding the feasibility of the proposed project in both development and business terms.

Prospective Business Loan Program

The City of Gainesville currently does not administer a business loan program. Based upon a review of past City efforts in this regard, it appears that the City has provided assistance to intermediaries (non-profits), specifically the now dissolved United Gainesville CDC, in order to meet the micro-loan financing requirements of several small businesses throughout the community. These past efforts had less than stellar results (see attached 3/24/04 memo) and this micro-lending tool is no longer available.

In December, 2003, the Economic Development Director, with the assistance of the Gainesville Area Chamber of Commerce, convened a lender's meeting to discuss prospects for filling "access to capital" gaps in the community and presented a few programs (see attached Power Point/meeting agenda) pursued by other communities particularly the Access Loan program implemented by the Greater Lexington Chamber of Commerce. The direction from the lenders was that this effort should be pursued within the context of Gainesville Area Chamber of Commerce Small Business Council activities and be applicable Citywide.

Recently, the City Commission has provided \$25,000 per year in the FY 05 and FY 06 Economic Development Department budget to seed future loans to be made via the Entrepreneurial School concept championed by County Commissioner Rodney Long. The plan for this contribution is for the City and County to jointly establish an Entrepreneurial Economic Development Trust Fund over four years at \$200,000 with an additional \$300,000 sought from the private sector. The Trust Fund's proceeds are to be used to provide the equity portion of SBA loans to participants enrolled in the Entrepreneurial Charter School.

Finally, approximately \$46,000 has been received for a loan payoff for a previous United Gainesville loan that was recently assigned to the City. Several other United Gainesville loans are in the process of being assigned to

the City as well and could, over a period of time, provide additional resources for a business loan program designed to assist existing businesses.

Based upon this information, it is recommended that the following parameters for a prospective business loan effort be taken into consideration. These parameters, to a certain degree, replicate those that adhere to the SBA's established micro-loan program:

- 1) The goal of the program is to fill a micro-lending gap currently encountered by a representation of the business community.*
- 2) The program is targeted at private, for-profit business only with the applicant the owner of the business. Businesses must be established for a minimum of three years.*
- 3) The program is initially available to businesses located in the Eastside Community Redevelopment Area on a pilot basis. Since the initial source of funds is federal CDBG dollars, limiting the program to this area would assist with compliance issues such as conformance with national objectives of the CDBG program.*
- 4) The program is intended to assist business owners with capital improvements including new or existing building/site improvements or purchase of machinery/equipment.*
- 5) Maximum loans are \$10,000 and require submission of personal financial statement; tax returns for prior 3 years; business plan; marketing plan; and, 3 years of financial projections. Collateral sufficient to cover the loan amount and personal guarantee of the business owner shall be required.*
- 6) Applicants must attend business development/entrepreneurial classes through the East Gainesville Development Corporation or Small Business Development Center.*
- 7) A loan committee would be established consisting of representatives from the City, Gainesville Area Chamber of Commerce and lending community.*
- 8) Any building construction or site development financed through the program must adhere to applicable City Development and Building Codes and Davis Bacon Act requirements.*

Keeping the aforementioned parameters in mind, the City Commission needs to determine whether the City should have a direct role in the provision of business micro loans or whether the effort should be tied to the provision of loans by the lending community as is the proposed model for the Entrepreneurial School effort. The former course may create some issues regarding the provision of confidential financial information regarding micro-loan applicants and may serve as a deterrent to participation. In addition, City staff obviously does not have the same underwriting skills that the lending community possesses. City Commission direction regarding this matter will provide Economic Development Department staff, including the Small and Minority Business Development Coordinator, with information to be employed in the refinement of the prospective program.

Fiscal Note: As mentioned, the Office of Management and Budget has indicated that there is approximately \$46,000 in loan payback that has been received on a recently City assigned United Gainesville outstanding loan. This source could be utilized to seed a business loan fund should the City Commission wish to move in this direction. This source of funds is subject to federal Community Development Block Grant regulations.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff regarding the status of the Addie Hill project and prospects for a business loan program; and 2) provide direction to staff.

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040830**Federal Legislative Agenda for 2006 (B)**

Explanation: On December 6, 2004, staff held meetings with the City's Legislative Consultant, Marilyn Berry Thompson, and the Government Relations Team to develop an annual federal agenda. The annual federal agenda serves as the City's instrument for measuring specific outcomes and achievements at the end of each year. The agenda also helps the City and members of the Florida Congressional Delegation to focus their energies on a very specific set of Federal grant and legislative priorities and initiatives.

Staff is recommending five appropriations initiatives and several other requests for support. Of the appropriations initiatives, the Community Development Initiative includes the Downtown Revitalization Project and the Gainesville Youth Support and Development Project; the Public Transportation Enhancement Initiative includes the Regional Transit System Facility Expansion Project and the Multimodal Transportation Center; the Housing Enhancement Initiative includes the Southeast Gainesville Renaissance Initiative; the Public Safety Enhancement Initiative includes the Joint Communications Project; and the Public Infrastructure Initiative includes the Pollution Prevention Initiative and the Public Infrastructure Development Initiative. Other requests for support include the Public Transportation Acquisition Project; the City's priorities for the reauthorization of the Transportation Efficiency Act for the 21st Century Act (TEA-21) this year; and the Koppers Superfund Site Cleanup.

RECOMMENDATION

The City Commission: 1) hear a report from staff; 2) approve the prioritized list of projects; and 3) approve the recommended federal agenda.

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GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****LEGISLATIVE COMMITTEE**

040844

2005 State Legislative Statement (B)

Explanation: Annually, the City Commission adopts a State Legislative Statement for presentation to the Alachua County Legislative Delegation.

RECOMMENDATION

The City Commission review the proposed 2005 State Legislative Statement and make any changes, additions, or deletions as deemed appropriate.

2005 State Agenda.doc

2005 Statement Cover Table of Contents.doc

PUBLIC WORKS COMMITTEE

040261

Policy Regarding Road Widths (NB)

Explanation: On October 13, 2004, the Public Works Committee discussed the issue of the Comprehensive Plan policy regarding road widths as it relates to the number of travel lanes on Archer Road and SW 16 Avenue. Community Development staff recommended alternative language that can be used as a Comprehensive Plan Amendment, which would address the issue of Archer Road and SW 16 Avenue. The proposed options for amending the Comprehensive Plan are as follows:

1) The maximum number of travel lanes for a new or widened street within city limits shall not exceed 4 travel lanes. This limitation shall exclude I-75 and High-Occupancy Vehicle (HOV) lanes and/or dedicated bus lanes. SW 16th Avenue between Archer Road and SW 13th Street shall be excluded if there is an approved MTPo plan for a parallel corridor system that pairs SW 16 Avenue with Archer Road to maximize pedestrian/bicycle/transit safety and operation in the University of Florida area; or

2) The City shall minimize the number of vehicle travel lanes on new or widened streets within city limits. Travel lanes shall be limited to 4 lanes except for: I-75; streets with dedicated bus lanes; and/or streets with High-Occupancy Vehicle (HOV) lanes. There shall be an exception for MTPo approved plans involving parallel or paired streets to maximize pedestrian/bicycle/transit operation and safety on one street and accommodate automobile mobility on the other street.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) hear a presentation from staff and take appropriate action; and 2) remove this item from the Public Works active referral list.

Legislative History

7/26/04	City Commission	Referred (6 - 0 - 1 Absent)	Public Works Committee
10/12/04	Public Works Committee	Approved, as shown above	

COMMUNITY DEVELOPMENT COMMITTEE

040007

Cluster Subdivision Definitions and Criteria (B)

Explanation: On May 24, 2004, the City Commission made a referral to the Community Development Committee to review the cluster subdivision ordinance. The cluster subdivision ordinance allows developers to create subdivisions with smaller lots than would normally be allowed within the zoning district, and in turn to set aside open space. One of the issues being reviewed is to make the cluster subdivision ordinance clearer that the open space set aside should be above and beyond the normal set-asides of wetland buffers, creek buffers and other types of required buffer areas.

This is an opportunity for the City to review generally the issue of how small the City wants lots to be allowed in zoning districts that normally require larger ones. Under Gainesville's zoning code, all districts allow relatively small lots - RSF-1 is the most restrictive: it requires at least 8,000-square-foot lots and caps density at 3.5 units per acre. So the issue is how far the City wants to go in allowing smaller lots than that, which may result in significantly more compact developments than in the surrounding neighborhoods.

The Community Development Committee discussed this issue on June 24, 2004, September 20, 2004 and November 4, 2004. Staff presented several working drafts of proposed ordinance revisions, and discussed the issues. One of the issues discussed was to revise the ordinance to be clearer that there are really two kinds of cluster subdivisions - one type being cluster developments where the goal is to cluster the houses away from environmental features and to protect the open space around those features, and the other type being developments where there are not unusual environmental features but the developer is simply wanting flexibility to build smaller lots, set aside other space as open, and have the flexibility to do this without following the usual regulations regarding lot dimensions.

Developers or developers' agents offered several suggestions to the Committee, including allowing cluster subdivisions on properties as small as one acre; clearly allowing zero lot line developments; not requiring in all instances that the open space include environmentally protective features; allowing some flexibility as to how many Heritage trees must be protected; and not including an absolute minimum on how small the lot sizes can go.

If the Commission wishes to proceed with changes to the cluster ordinance, the next step will be to initiate a petition to the City Plan Board.

Fiscal Note: None

RECOMMENDATION

Community Development Committee to the City Commission: 1) Hear a report from staff; and 2)

remove this item from the referral list.

Legislative History

5/24/04	City Commission	Referred (6 - 0 - 1 Absent)	Community Development Committee
6/24/04	Community Development Committee	Approved as Recommended	
9/20/04	Community Development Committee	Approved as Recommended	
11/4/04	Community Development Committee	Approved as Recommended	

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040187

Community-Wide Plan to End Homelessness (B)

RECOMMENDATION

Community Development Committee to City Commission: raise the limit of meals served to 130.

Staff report to the Committee on its findings from the City of Clearwater with regards to how their access cards or service is managed.

Legislative History

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

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040187_200501101300.pdf

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

040840**Charter Review Committee (B)****RECOMMENDATION**

The City Commission appoint and/or reappoint a Charter Review Committee and charge the Committee.

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OUTSIDE AGENCIES**COMMUNITY REDEVELOPMENT AGENCY****040806****Northwest 5th Avenue Streetscape Project (B)**

Explanation: The Fifth Avenue Pleasant Street Redevelopment Advisory Board has been working on a streetscape concept for the Northwest 5th Avenue corridor for several months and the CRA adopted the design concept at their August 2004 meeting. Two Phases of the project have already been approved and funded, conduit work between Northwest 12th Street and Northwest 13th Street, to be done in conjunction with the Northwest 13th Street lighting project, and the relocation of the regulator bank from Northwest 10th Street and Northwest 5th Avenue, which has been completed.

The third Phase of the project would be streetscaping between Northwest 6th Street and Northwest 3rd Street. This work would be done in conjunction with the new Santa Fe Community College building in order to take advantage of their construction efforts. The estimated cost of this section of the streetscape is \$500,000.

In order to fund this phase of the streetscape project, the FAPS Board recommended that \$200,000 be moved from the Model Block project funds to the Northwest 5th Avenue streetscape and the Advisory Board asked the CRA to request the City Commission to fund the remainder with \$300,000 in UDAG funds. This is a key project for the FAPS district and would be an acceptable use of both UDAG and bond funds.

The Advisory Board discussed this item at their meeting on December 14, 2004. The meeting was cut short so that Board Members could attend the Santa Fe Community College meeting. The Advisory Board would like an opportunity to discuss the location for the next phase of the streetscaping based on the results of the SFCC meeting. The FAPS Board will meet again on January 25, 2005.

The CRA heard the FAPS recommendation at their December 20, 2004 meeting and voted to transfer the funds from the Model Block to the Streetscape project and voted to move the second part of the recommendation forward to the City Commission.

Fiscal Note: The project could be funded by a combination of bond funds currently targeted

for the Model Block Project and UDAG funds from the City of Gainesville.

RECOMMENDATION

CRA to the City Commission: 1) Request the City Commission approve use of \$300,000 from the UDAG funds for the next phase of the project.

Legislative History

12/20/04 Community Redevelopment Agency
Approved as Recommended (6 - 0 - 1 Absent)
040806_200501101300.pdf

MEMBERS OF THE CITY COMMISSION

040839

Commissioner Warren Nielsen - Hope Six Photos (NB)

RECOMMENDATION

The City Commission hear a 10-minute presentation from Commissioner Nielsen regarding the Hope Six photos.

COMMISSION COMMENTS (if time available)

CITIZEN COMMENT (5:30pm) - Please fill out card and hand to the Clerk

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

040715

Presentation of Executive Fire Officer Certificate to Kim Berryman-Dages, District Chief (NB)

Explanation: In recognition of successful completion of the requisite courses of study and the applied research projects, the United States Fire Administration's National Fire Academy has conferred the title of Executive Fire Officer (EFO) upon Kim Berryman-Dages as of October 1, 2004.

The Executive Fire Officer Program (EFOP) is an initiative of the U.S. Fire Administration designed to provide senior fire officers and others in key leadership roles with an education to: 1) transform fire and emergency services organizations from reactive to proactive; emphasize leadership development, prevention, and risk reduction; 2) lead fire and emergency services organizations in reflecting and developing the diversity of America's

communities; 3) value research and increase its application to the profession; and 4) develop the habit of lifelong learning.

The program is a diverse executive-level curriculum entailing one course per year for four years. The program requires a commitment to complete four applied research projects, the post-course activity for each course. Each EFOP course and Applied Research Project (ARP) has been recommended by the American Council of Education to receive college level credit and include: Executive Development, Leading Community Risk Reduction, Executive Analysis of Fire Service Operations in Emergency Management, and Executive Leadership.

The concluding course is specifically designed to provide a framework for executive level competencies by focusing primarily on personal effectiveness. The curriculum includes self and observer-based survey assessment instruments, case study analysis, role-playing, and experiential activities. Participants complete a "self assessment and development plan" to create desirable goals in their professional, personal, community, and family life areas.

District Chief Berryman-Dages joins four current GFR EFOP graduates: Fire Chief Richard Williams, Deputy Chief William Northcutt, District Chief Don King, and Training Chief Gene Prince. District Chiefs Tim Hayes and JoAnne Rice, as well as Lieutenant Pat Lewis, are currently enrolled.

The EFOP is succeeding in its mission of transforming the quality of service to our community. The Program has a very selective admission process and difficult to successfully complete. Approximately 170 Florida Executive Fire Officers have completed the program since 1988. In honoring District Chief Berryman-Dages, staff recognizes that Gainesville's success continues to rely on the dedication of its employees and their development into forward-focused leaders for the community.

RECOMMENDATION

The Mayor and the Fire Chief present the EFO certificate to Kim Berryman-Dages.

Legislative History

12/13/04 City Commission Withdrawn

040838

Arbor Day 2005 - January 21, 2005 (B)

RECOMMENDATION

City Beautification Board Chair Dr. Anita Spring, and City of Gainesville City Arborist Meg Niederhofer to accept the proclamation.

040838_200501101300.pdf

040843**Separation of Church and State Week (B)****RECOMMENDATION**

Humanist Society of Gainesville President Louis Clark and Webmaster Mark Mayfield to accept the proclamation.

040843_200501101300.pdf

PUBLIC HEARINGS**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****040373****COMPREHENSIVE PLAN AMENDMENT - HEIGHT LIMITATIONS IN THE OFFICE AND COMMERCIAL LAND USE CATEGORIES****Ordinance No. 0-04-103; Petition 148CPA-04 PB**

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan, Policy 4.1.1, in the Mixed-Use Low Intensity, Mixed-Use Medium Intensity, Office and Commercial land use categories to allow a height of more than 5 stories by Special Use Permit; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

The City Commission voted to support height limits for these land use categories, and directed the City Plan Board to initiate a petition to consider such a regulation. This petition will allow building heights in these land use categories to exceed 5 stories by special use permit. Additional height for these categories would promote infill development and redevelopment, and higher residential and commercial densities and intensities. When designed well and properly located, this additional building height can promote retail and commercial health, transportation choice, and compact development. Special use permit criteria established to grant property owners with the ability to exceed 5 stories should be designed for quality building and urban design.

For example, a greater than 5-story hospital or hotel building along a major roadway, and not adjacent to single-family residential development, could be found to be compatible under appropriate special use permit criteria.

Special use permit criteria should also be designed to mitigate the tendency of taller buildings to require an enormous land area for surface parking.

The proposed text changes are consistent with the City of Gainesville 2000-2010 Comprehensive Plan and are recommended for approval.

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

Public notice was published in the Gainesville Sun on September 7, 2004 and

October 10, 2004. The Plan Board held a public hearing September 23, 2004. The City Commission held a public hearing October 25, 2004, and approved the Petition.

Declare Petition No. 103CPA-04 PB moot.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION

The City Commission (1) adopt the proposed ordinance, and (2) declare Petition 103CPA-04 PB moot, as the subject matter is now encompassed in this petition.

Legislative History

10/25/04 City Commission Approved (Petition) (7 - 0)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

040516

REZONING - 635-637 N.W. 13th Street (B)

Ordinance No. 0-05-02, Petition No. 164ZON-04PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from the zoning category of "BA: Automotive-oriented business district" to "MU-1: 10-30 units/acre mixed use low intensity"; located in the vicinity of 635-637 N.W. 13th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject property is 0.36 acres in size, has a BA (Business-Automotive) zoning, and a C (Commercial) land use designation.

Adjacent property to the west and north is zoned MU-1 (Mixed Use-Low). The land use is MUL (Mixed-Use Low, 8-30 units per acre). Adjacent to the east is

BUS (Business) and to the south is BA (Business Automotive). The land use of this property to the east and south is Commercial.

The existing building is currently being used as an auto service shop (brakes, AC, and oil changes). The petitioner owns the property and wishes to move a florist business he owns to this property. Florist retailers are not allowed by the current land use and zoning designations.

As a designated Gateway Street a few blocks north of the UF campus, this property is better suited in achieving City objectives by carrying a land use and zoning designation that allows more neighborhood-based, walkable retail development-particularly mixed-use development that would allow both residential and non-residential. Auto-oriented uses allowed by the current land use and zoning designations are not ideal along a Gateway Street near the campus. For a number of years, the City has sought to restrict auto-oriented sales and service to North Main Street.

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

Public notice was published in the Gainesville Sun on October 5, 2004. Letters were mailed to surrounding property owners on October 6, 2004. The Plan Board held a public hearing October 21, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 164ZON-04 PB. Plan Board vote 5-0.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

12/13/04	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)
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040517

REZONING - UNIVERSITY HEIGHTS SOUTH (B)

Ordinance No. 0-05-03, Petition No. 165ZON-04PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties from the zoning category of "RH-1: 8-43 units/acre residential high density district" to "RH-2: 8-100 units/acre residential high density district"; located in the vicinity of University Heights (South), east of S.W. 11th Street, south of S.W. 8th Avenue, west of S.W. 6th Street and north of Depot Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject properties are 31 in number and have a combined size of 13 acres. Each of the 31 properties has an RH-1 (residential high-density district, 8-43 dwelling units per acre) zoning, and an RH (residential high density, 8 to 100

dwelling units per acre) land use designation.

Most of the properties bordering to the west, north and south are designated RH-2. These properties are in close proximity to the University of Florida campus to the west and the central city (downtown) district to the east.

In this location, higher density could result in:

- * Increased transportation choice.*
- * Reduced number of regional and per capita car trips when compared to an alternative future in which these new residents were dispersed into more remote locations.*
- * Increased likelihood of the establishment of neighborhood-based, walkable retail such as corner grocery stores.*
- * A lower-than-average number of cars owned per household.*
- * Reduced crime problems through gentrification and citizen surveillance ("eyes on the street").*
- * Increased neighborhood property values.*

Besides the RH-2 properties, adjacent property to the north is zoned RH-1 with a land use of RH. To the east, besides RH-2, there is property with PS (Public Service) zoning and Recreation land use. Zoning adjacent to the south, besides RH-2, there is property with ED (education) zoning and land use.

It is important to note that a 5-story height limit was recently enacted in the RH-1 & 2 districts. Previously, there was no height limit for these districts.

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

Public notice was published in the Gainesville Sun on October 5, 2004. Letters were mailed to surrounding property owners on October 6, 2004. The Plan Board held a public hearing October 21, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 163LUC-04 PB. Plan Board vote 5-0.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/13/04	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)
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040518

REZONING - COFRIN PROPERTY (B)

Ordinance No. 0-05-04, Petition No. 166ZON-04PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property from the zoning category of "RSF-1: 3.5 units/acre single-family residential district" to "CON: Conservation

district" and "PS: Public services and operations district"; allowing development of a nature and activity-based recreation park without the approval of a preliminary development plan; located in the vicinity of the north side of Northwest 8th Avenue, east of Northwest 49th Drive commonly known as the "Cofrin" property; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject property is approximately 30 acres in size, is undeveloped except for a single-family house, has an RSF-1 (3.5 dwelling units per acre single-family residential) zoning, and an SF (Single-Family) land use designation.

Adjacent property to the west is zoned PD (Planned Development). The land use of this property is SF. Adjacent property to the north is RSF-1. The land use of this property is SF. Adjacent to the east is RSF-1. The land use of this property is SF. Zoning to the south across NW 8th Avenue is CP (Corporate Park), and the land use of this property is MU-M (Mixed-Use Medium).

These properties were purchased in December 2003 with the assistance of a grant from Florida Communities Trust (FCT). FCT is a state land acquisition agency that assists local governments in acquiring land to implement goals, objectives and policies of conservation, recreation and open space, or for natural resources conservation, using Florida Forever Revenue Bonds. Funds also came from Alachua County Forever, a program approved by the voters to acquire, improve and manage environmentally significant lands in Alachua County, and to protect water resources, wildlife habitats and natural areas suitable for resource based recreation. In addition, funding came from the City of Gainesville, and a charitable donation came from Gladys G. Cofrin. This re-zoning is being sought to allow the City to comply with the FCT obligations associated with obtaining acquisition grant money. Among other things, these obligations require the benefiting community to designate and thereby protect the acquired property and to manage the project site only for the conservation, protection and enhancement of natural resources and for public outdoor recreation that is compatible with the conservation, protection and enhancement of the site.

Designation of these properties as PS (public service: 7.7 acres of the 30 acres) and CON (conservation: 22.3 acres of the 30 acres) zoning will allow the City to develop these properties as both a nature park and an activity-based recreation park. The Nature Operations Division of the City Recreation and Parks Department will be managing the park and staff will soon be preparing site plans for this property to develop the 30 acres in this manner.

The Plan Board heard the petition and recommended that it be approved. After hearing oral comments from staff about Nature Operations Division plans for the property, the Plan Board exercised its discretion, as provided for in Sec. 30-75(7)(b), not to require a preliminary plan be submitted to the City Commission before the property is rezoned.

Public notice was published in the Gainesville Sun on October 5, 2004. Letters were mailed to surrounding property owners on October 6, 2004. The Plan Board held a public hearing October 21, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 166ZON-04 PB. Plan Board vote 5-0.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/13/04	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)
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040669

SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES - PARKING GARAGE (B)

Ordinance No. 0-05-06

An ordinance of the City of Gainesville, Florida, amending section 4-4(b) of the City of Gainesville Code of Ordinances, relating to the consumption, sale or possession of alcoholic beverages; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting of November 8, 2004, the City Commission determined it may be appropriate to lease retail space in the Southwest Downtown Parking Garage, under certain conditions, to an establishment serving alcohol. At that meeting, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the Code of Ordinances to allow for such provision.

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, January 10, 2005.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/8/04	City Commission	Approved as Amended (6 - 0 - 1 Absent)
12/13/04	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT

ADJOURNMENT - 7:27 PM