

City of Gainesville

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



Meeting Agenda

June 27, 2005

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER - 1:06 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

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

050117

General Employees' Pension Plan Actuarial Valuation Report (B)

Explanation: The City of Gainesville receives periodic actuarial valuation reports on its General Employees' Pension Plan (General Plan). The actuarial valuation is the process by which the fiscal status of the Plan is measured on a recurring basis and it, therefore, establishes the required employer (City) contribution rate for the ensuing two (2) fiscal years.

Fiscal Note: Based on the results of the September 30, 2004 valuation, the recommended employer (City) contribution rate to the General Plan effective October 1, 2005 is 3.51% of covered payroll. Utilizing projected covered payroll figures, the employer contribution for FY2006 is estimated to be \$2,376,500.

Subsequent to the issuance of the Series 2003 Taxable Pension Obligation Bonds, incorporated in each actuarial valuation report is an analysis comparing the required City contribution rate to that which would have been required absent the issuance of the bonds. The September 30, 2004 valuation indicates that the City contribution rate effective October 1, 2005 (assuming the bonds were not issued) would have been 8.45%. After considering the required FY06 debt service payment on the Pension Obligation Bonds, this translates to a savings of \$2.2 million to the General Fund.

RECOMMENDATION

The City Commission accept the September 30, 2004

actuarial valuation report for the General Plan and approve the recommended employer (City) contribution rate of 3.51% effective October 1, 2005.

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050118

Retiree Health Care Plan Actuarial Valuation Report (B)

Explanation: The City of Gainesville receives periodic actuarial valuation reports on its Retiree Health Care Plan (Retiree Plan). The actuarial valuation is the process by which the fiscal status of the Plan is measured on a recurring basis and it, therefore, establishes the required employer (City) contribution rate for the ensuing fiscal years.

Fiscal Note: Based on the results of the September 30, 2003 valuation, the recommended employer (City) contribution rate for the Retiree Plan effective October 1, 2005 is 4.69% of covered payroll. Utilizing projected covered payroll figures, the employer contribution for FY 2006 is estimated to be \$4,650,000.

Given existing market conditions, the City has the opportunity to issue taxable debt to discharge the Retiree Plan Unfunded Actuarial Accrued Liability (UAAL). Advance funding the UAAL would reduce the required employer (City) contribution rate to 0.50% of covered payroll. This is projected to produce savings in excess of \$600,000 per year over the next ten years.

RECOMMENDATION

The City Commission accept the September 30, 2003 actuarial valuation report for the Retiree Health Care Plan and approve the recommended employer (City) contribution rate of 4.69% of covered payroll effective October 1, 2005 should the bonds not be issued or the rate of 0.50% of covered payroll if the bonds are issued.

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050119

Award of A Contract for Insurance Broker/Consultant (B)

Explanation: The City submitted Requests for Proposals (RFP's) for insurance brokerage/consultant services for its insured and modified self-insured loss programs. The RFP was advertised via Demand Star and the Gainesville Sun. Twenty-six prospective respondents were contacted. As a result of this process, the City received two proposals, which were responsive to all aspects of the RFP. After reviewing and evaluating the proposals and oral presentations, it is the recommendation of staff that the firm of Arthur J. Gallagher and Company be retained. Arthur J. Gallagher and Company has been the City's insurance broker/consultant since 1988. Since that time, the company has provided the

City with the highest level of service that could be expected or required of such a firm. Gallagher's expertise as a broker/consultant for governmental entities is extensive. Currently 70% of their business in Florida is with governmental entities. In addition, Arthur J. Gallagher was the only company to submit a proposal with significant electrical generating loss control and insurance placement experience.

Fiscal Note: Estimated fees of \$280,000 for insurance brokerage/consultant services are budgeted in the General Insurance Fund.

RECOMMENDATION

The City Commission: 1) approve the selection of Arthur J. Gallagher and Company for the purpose of providing insurance brokerage/consultation for the City's property, casualty and Worker's Compensation programs; and 2) authorize the City Manager or designee to negotiate and enter into an agreement with Arthur J Gallagher and Company for three years, effective July 1, 2005, with the possibility for two (2) one year extensions, subject to approval of the City Attorney as to form and legality.

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050120

Authorization for Municipal Code Revisions (NB)

Explanation: Periodically, the City reviews its charges and fees for budgetary or other purposes. In recent years, the City has attempted to place charges and fees into Appendix A of the City of Gainesville Code of Ordinances. However, there are some charges and fees that remain embedded in the language of the Code. This makes any general review very inefficient and it makes ascertaining City charges and fees very difficult for citizens. In addition, it complicates the process of updating the fees when they are contained within the text of the Code rather than in Appendix A.

Fiscal Note: The Finance Department will be working with the City Attorney's Office on making the changes. The intent is to update the changes and fees during the budget process and modify the Code simultaneously.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to remove fees from the text of the Code of Ordinance and reflect all fees in Appendix A.

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050121**Settlement of Worker's Compensation Claim - Richard Jumpp (NB)**

Explanation: While employed as a Maintenance Mechanic III, Richard Jumpp suffered an injury to his neck and left shoulder that has required ongoing medical treatment by multiple medical providers, which included surgery to his left shoulder. As a result of his injury and subsequent permanent work restrictions imposed by his treating physicians, Mr. Jumpp is no longer able to perform the essential functions of his job as a Maintenance Mechanic III.

Recently, the City and Mr. Jumpp attempted to mediate a settlement of his worker's compensation claim. Mr. Jumpp and his attorney, Lance Avera, have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, Gainesville Regional Utilities (GRU), Special Counsel and the City's Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$43,500, includes all attorney fees, future medical costs, past and future indemnity payments, and taxable costs.

Fiscal Note: The settlement of this case in the amount of \$43,500 will be paid by GRU.

RECOMMENDATION

The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Richard Jumpp, in the amount of \$43,500.

050122**Settlement of Worker's Compensation Claim - Miriam Gonzalez (NB)**

Explanation: While employed as a Transit Operator, Miriam Gonzalez suffered an injury to both wrists requiring ongoing medical treatment by multiple medical providers, including multiple surgical procedures. Ms. Gonzalez's injury, ongoing medical treatment and her permanent restrictions generate substantial additional exposure for both medical and indemnity benefits. Based on work restrictions imposed by Mrs. Gonzalez's treating physicians, she is no longer able to perform the essential functions of her job as a Transit Operator.

Recently, the City and Mrs. Gonzalez attempted to mediate a settlement of her worker's compensation claim. Mrs. Gonzales and her attorney, Anthony Salzman, have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, Regional Transit System, Special Counsel, and the City's Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$108,000, includes all attorney fees, future medical costs, past and future indemnity payments, and taxable costs.

Fiscal Note: The settlement of this case in the amount of \$108,000 will be paid out of the General Insurance Fund.

RECOMMENDATION

The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Miriam Gonzalez, in the amount of \$108,000.

050123**Modification of Authorization for Use of FY 2003 Retained Earnings for RTS Administrative and Operations Building Expansion (NB)**

Explanation: City Commission approved the use of retained earnings for the Regional Transit System (RTS) Administrative and Operations Building Expansion project on October 25, 2004 in the amount of \$139,871, and on September 13, 2004 in the amount of \$113,166. On April 21, 2005, bids were received for this project and the lowest bid received was approximately \$1,295,000. RTS' budget for this project was \$742,347 (\$236,273 in Federal Transit Administration (FTA) funds, \$253,037 in retained earnings, and \$253,037 in Florida Department of Transportation (FDOT) funds).

Due to lack of funding to complete this project as approved, RTS recommends that this project be completed in two phases. The site preparation work required before the construction of the building expansion has already been approved, therefore, RTS recommends executing this portion of the project as Phase I. When funds become available, execute construction of the Administrative and Operations Building Expansion as Phase II. In addition, RTS also recommends that if any funds available after completion of the site work, to then proceed with the pavement of the existing lime-rock bus parking lot. This plan of action would allow staff to complete an essential portion of the plan and not lose the scarce monetary resources currently available through the FDOT and FTA funds.

RTS currently has two (2) FDOT Urban Capital grants that require a 50% match of local funds. These FDOT grants expire on June 30, 2005 (\$1,250,000) and December 31, 2005 (\$285,265), respectively. RTS has submitted a request to FDOT for an extension on these grants.

Fiscal Note: Use of the retained earnings previously approved for RTS Administrative and Operations Building Expansion and Site Work.

RECOMMENDATION

The City Commission: 1) authorize the Regional Transit System to use available retained earnings, as recommended; and 2) authorize the Interim City Manager or designee to approve the use of these funds.

050124**Amendment to Mutual Aid Agreement Between the Gainesville Police Department and the University of Florida Police Department (B)**

Explanation: The Gainesville Police Department (GPD) currently has a Mutual Aid Agreement with the University of Florida Police Department (UPD). This agreement provides increased police resources and cooperation for support to and from each respective law enforcement agency when needed. The current agreement is specific to enforcement of state statutes and does not address violations of municipal ordinances. Absent a suspected violation of state law, neither GPD nor UPD officer would be empowered to pursue enforcement of a municipal ordinance in the other agency's jurisdiction under the terms of the current agreement. This amendment incorporates language specifically referencing municipal ordinance violations, giving both departments the authority to take appropriate enforcement action, including, but not limited to, arrest or citation of the suspect(s).

Fiscal Note: There is no fiscal impact for signing a Mutual Aid Agreement. At the time mutual aid is extended, the cost is typically borne by the offering agency.

RECOMMENDATION

The City Commission authorize the Interim City Manager to amend the Mutual Aid Agreement between the Gainesville Police Department and the University of Florida Police Department, subject to approval by the City Attorney as to form and legality.

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050125**Contract with Florida Department of Corrections for Inmate Work Crew Program (B)**

Explanation: As part of the FY 05-06 budget process, funds were appropriated in the Solid Waste Enterprise Fund operating budget for an Inmate Work Crew Program contract with the Florida Department of Corrections (FDOC). The Program will consist of one (1) FDOC supervisor and five (5) inmates from FDOC's work camp.

This annual contract cost of \$55,773 will provide for the supervisor's salary plus miscellaneous tools and supplies. The City of Gainesville, with exception to City holidays, will be guaranteed 5 inmates each week for 40 hours. The major work focus of this crew will be litter cleanup along City roadways, cleanup of illegal dumpsites, and assist with graffiti removal.

Fiscal Note: Funds are available in the Solid Waste Enterprise Fund FY05 operating budget.

RECOMMENDATION

The City Commission: 1) authorize the Interim City Manager or designee to enter into a contract with the Florida Department of Corrections for a contractual inmate work crew not to exceed \$55,773, subject to approval by City Attorney as to form and legality; and 2) authorize the contract to be renewed annually, subject to funding availability and that adequate performance has been demonstrated.

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050126**Sale of City Owned Properties (NB)**

Explanation: In Phase III of the Cedar Grove II development, one home was built as a model center and three homes were built for resale to eligible first time homebuyers that could not qualify for an affordable construction permanent loan, but could qualify for a permanent loan with affordable payments. Phase I, II and III are completed, and Phase IV is approximately 95% completed. Since the Cedar Grove II development is approximately 98% completed and the vacant lots located at 1103 Northeast 21st Court South and 1129 Northeast 21st Court South are the only unsold lots, the Housing Division is proposing to sell the model home in Phase III and the three homes built for resale and use the net sale proceeds to construct two homes on the two remaining vacant lots in Phase IV for resale. Construction of these two homes and completion of the homes currently under contract will complete the Cedar Grove II development.

At the September 9, 2002 City Commission meeting, the City Commission also approved establishing a Cedar Grove II foreclosure acquisition reserve fund to set aside monies that can be used to acquire foreclosed Cedar Grove II properties if any are foreclosed, at public sale. This fund guarantees that the Housing Division has funds available that it can use to protect the Cedar Grove

II development from investors. Any houses purchased at public sale must be sold to eligible homebuyers under the existing approved Cedar Grove II program. The Housing Division is proposing that any available net sale proceeds from the sale of 1129 Northeast 21st Court South, and 1103 Northeast 21st Court South be deposited into this fund.

Fiscal Note: The net sale proceeds will be used to build new homes at 1129 Northeast 21st Court South, and 1103 Northeast 21st Court South; and to maintain the Cedar Grove II acquisition reserve fund.

RECOMMENDATION

The City Commission: 1) declare the properties located at 1212 Northeast 22nd Street, 1104 Northeast 22nd Street, 1221 Northeast 21st Street, 2232 Northeast 12th Avenue, 1129 Northeast 21st Court South, and 1103 Northeast 21st Court South as surplus properties; 2) authorize the sale of 1212 Northeast 22nd Street, 1104 Northeast 22nd Street, 1221 Northeast 21st Street, and 2232 Northeast 12th Avenue at market value to eligible low-income homebuyers that will be identified at a future date; 3) authorize the Housing Division to use the net sales proceeds from the sale of the properties located at 1212 Northeast 22nd Street, 1104 Northeast 22nd Street, 1221 Northeast 21st Street, and 2232 Northeast 12th Avenue to construct new homes on the Cedar Grove II lots located at 1103 Northeast 21st Court South, and 1129 Northeast 21st Court South; 4) authorize the sale of the newly constructed homes to be located at 1129 Northeast 21st Court South, and 1103 Northeast 21st Court South, at market value to eligible low-income homebuyers that will be identified at a future date; 5) authorize the Housing Division to provide the grants and /or subsidies required to make the purchase of the properties affordable for the low-income homebuyers; 6) authorize the City Manager or designee to execute the required purchase and sale agreements, grant or subsidy agreements and any other certifications or assurances required to transfer ownership to the homebuyers that will be identified at a later date; 7) authorize the Mayor and Clerk of the Commission to execute the warranty deeds required to transfer titles to the low-income homebuyers that will be identified at a later date; 8) authorize the Housing Division to use any of the standard Cedar Grove II program subsidies, and purchase and sale documents to consummate the transactions, subject to approval by the City Attorney as to form and legality; and 9) authorize the City Manager or designee to deposit the net sale proceeds from the sale of the properties located at 1129 Northeast 21st Court South, and 1103 Northeast 21st Court South into the Cedar Grove II foreclosure acquisition reserve fund.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**050133****Approval of Change Order to Bob's Barricades for University Avenue Lane Closure (NB)**

Explanation: As a part of the FDOT project 207817-1-52-01 to repave University Avenue, the Electric Transmission and Distribution Department is replacing the existing electrical lines with new lines. As a result of this work, a lane closure has been necessary between the 2200 and 3400 blocks of University Avenue. At this point on University Avenue the roadway consists of three lanes of traffic, one heading east-bound, and two heading west-bound. The only work area available for this job required closing the single east-bound lane and rerouting the traffic onto one of the two west-bound lanes. To transfer the responsibility for the lane closure in such a high traffic area, and the resultant liability, Bob's Barricades was contracted to handle the work and assume any liability resulting from the work.

Initial cost estimates for the lane closure came to approximately \$17,000 and a purchase order was issued on April 21, 2005. However, the costs are now projected to approximately \$55,000. This increase reflects the FDOT's alteration of the original work day, starting at 7 AM and continuing into the evening, to a reduced work schedule of 9 AM to 4 PM. The combined affects of this change and several days of inclement weather have added significantly to the number of days expected for this work, and to the cost of the project.

Fiscal Note: Funding for capital work projects is included in the Operation and Maintenance portion of Energy Delivery's budget for FY 2005.

RECOMMENDATION

The City Commission approve the issuance of a change order to Bob's Barricades for the lane closure between the 2200 and 3400 blocks of University Avenue for the Electric Transmission and Distribution department in an amount not to exceed \$38,000 (new not-to-exceed amount of \$55,000).

050134**Contract for Janitorial Services (B)**

Explanation: Janitorial contracts for various GRU buildings and plants are required to maintain the facilities. General cleaning along with bi-annual carpet cleaning and floor waxing is included in the service requirements. Each facility's contract is administered individually since each has unique requirements. Existing contracts for janitorial services for these facilities are expiring; therefore, new contracts for this service are required.

A Request for Quotation was sent to thirteen prospective businesses. Five

companies attended a mandatory walk-through meeting and four responded with quotations. A tabulation of the quotations is attached for your information.

Coverall of North Central Florida utilizes local franchise owners to perform the janitorial services and provides administrative support, training and insurance to the franchisees. Coverall currently manages janitorial services at four other GRU facilities and has performed well.

Fiscal Note: Funds for these services have been included in the Utilities budgets.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee to execute contracts with Coverall of North Central Florida, for janitorial services for the Deerhaven Generating Station and System Control Center, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Coverall of North Central Florida in amounts not exceeding \$29,000 for a one year period, commencing July 2005.

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050135

Approval of Purchase Order for Modular Building (B)

Explanation: The recent reorganization and proposed reassignment of Electric Transmission and Distribution / Vegetation Management Division employees will yield superior operational flexibility, efficiency, and coordination. These benefits will be magnified during large scale electric system restoration activities resultant from hurricanes and other severe weather conditions. In order to realize these gains it necessary to add temporary office space at the Fifth Avenue Operations Center until such time as a new Eastside operations Center is constructed. The outright purchase of portable office space is more cost effective than leasing such space through the duration of this need.

Purchasing sent an Invitation to Bid to eight prospective bidders with four responding with a bid. A bid tabulation is attached for your reference.

Fiscal Note: Funds for this purchase are available in the FY 05 General Plant budget for T&D.

RECOMMENDATION

The City Commission authorize the General Manager, or his designee, to purchase a modular building from Resun Leasing Inc. for GRU's Transmission and Distribution department in an amount not to exceed \$50,000.00 and to execute any necessary documents in conjunction with the purchase.

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CITY ATTORNEY, CONSENT AGENDA ITEMS**050131****KATHY BUTLER AND ALLEN BUTLER, HER HUSBAND VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO. 01-05-CA-2137 (B)**

Explanation: On June 10, 2005, the City of Gainesville was served with a summons and complaint. The Plaintiffs allege that on or about June 14, 2001, while at a city-owned garage, Kathy Butler slipped and fell on a liquid leaking from an automobile part. Plaintiff Kathy Butler seeks damages. Plaintiff Allen Butler has filed a loss of consortium claim.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Kathy Butler and Allen Butler, her husband vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-05-CA-2137.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**050137****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of June 13, 2005 (Regular Meeting); and June 14, 2005; (Special Meeting); as circulated.

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050138**Resignation of Water Management Committee Member Joe D. Wills (B)****RECOMMENDATION**

The City Commission accept the resignation of Joe D. Wills from the Water Management Committee effective immediately.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

050104**Amendment to the Commerce Project Development Agreement (B)**

Explanation: Phase 1 of the Regents Park condominiums has sold out. Jay Reeves and Associates are working on the design and construction plans for the next phase and CRA staff is working with AMJ to transfer the property for Phase 2. Closing on the property is expected to take place in late June or early July. The current default date for the start of construction is August 1, 2005 and this date will need to be extended. In order to keep the Development Agreement current, the dates in the original agreement need to be amended. The proposed start date of the Regents Park Residential Project Phase 2 will move from August 1, 2005 to February 1, 2006. All other subsequent dates will move accordingly.

Fiscal Note: None at this time

RECOMMENDATION

The City Commission approve the amendment, authorize the Clerk to attest and the Mayor to execute the amendment.

Legislative History

6/20/05	Community Redevelopment Agency	Approved as Recommended (6 - 0 - 1 Absent)
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END OF CONSENT AGENDA**ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****050037****Invocation Policy (B)****RECOMMENDATION**

The City Commission approve the invocation instruction invitation letter and formally adopt a first come, first serve policy and encourage local religious organizations to contact the Clerk's Office to be scheduled for the invocation.

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CITY MANAGER

050019**Update from Florida Community Design Center (NB)**

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

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

RECOMMENDATION

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

Legislative History

5/23/05 City Commission Withdrawn

050021**Semi-Finalist for the City Manager Selection Process (NB)**

Explanation: Dr. Tom Freijo, Senior Vice President of The Mercer Group, Inc. will provide the City Commission a list of candidates for the position of City Manager.

Fiscal Note: None

RECOMMENDATION

The City Commission approve a semi-finalist list of candidates and take any other action that is deemed appropriate.

Legislative History

5/23/05 City Commission Approved, as shown above

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050127**Economic Development Peer City: Part IV - Conclusions and Recommendations (B)**

Explanation: On August 23, 2004, the City Commission adopted a Strategic Action Plan for Economic Development. The Plan is an attempt to chart a future course for the City regarding Economic Development efforts and evolves out of the following events: 1) the convening of the Mayor's Transition teams, principally the Business Friendliness/Economic Development team; 2) the request from Commissioner Braddy for staff to develop a Peer City and Benchmarking system tied to performance in Economic Development; 3) information compiled and reported to elected officials from various citizen led teams associated with the Inter-City trip to Norfolk/New Haven; 4) the 2004 Economic Development Summit sponsored by the City of Gainesville and Gainesville Council for Economic Outreach; and 5) goals and budget priorities established by the City

Commission in the context of the FY 2005-2006 budget review.

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

This final component of the Peer City Report series presents several conclusions gleaned from an analysis of peer cities and makes several recommendations that are in keeping with current efforts being pursued by the Economic Development Department.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission hear a presentation on conclusions and recommendations associated with the final component of the Peer City Report series.

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GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

WATER MANAGEMENT COMMITTEE

050136 Water Management Committee Annual Update Presentation (NB)

Explanation: The Water Management Committee is a citizen advisory committee that addresses water issues in Gainesville and the surrounding areas. The water issues include stormwater, wetland, potable water, wastewater, reclaimed water, water quality in urban creeks, and others. The Water Management Committee presents a Workplan annually to the City Commission for input and approval of specific tasks to pursue.

RECOMMENDATION

The City Commission: 1) Hear a presentation from the Water Management Committee; and 2) Approve Water

Management Committee to pursue and complete the 2005 Workplan.

PUBLIC SAFETY COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

CITIZEN COMMENT

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Gator Detachment Marine Corps League

Bob Gasche, Commandant

PROCLAMATIONS/SPECIAL RECOGNITIONS

050139

Officer Brett A. Kikendall & Driver/Operator William B. Blair Day - June 27, 2005 (B)

RECOMMENDATION

Gainesville Fire Rescue Officer Brett A. Kikendall & Driver/Operator William B. Blair to accept the proclamation for their actions above and beyond the call of duty.

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050140

University of Florida 100th Anniversary (B)

RECOMMENDATION

William Thomas Hawkins, Jr. (Major Thomas's great grandson), Jane Adams, Vice President for University Relations and Florida Bridgewater-Alford, Community Relations Coordinator to accept the Proclamation.

PUBLIC HEARINGS**ADOPTION READING-ROLL CALL REQUIRED****030453****LAND USE CHANGE - 1005 & 1007 S.W. 13TH STREET (B)****Ordinance No. 0-05-09, Petition 110LUC-04PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the land use category of "Planned Use District" on certain property with the underlying land use category of "Residential Low-Density (up to 12 units per acre)"; located in the vicinity of 1005 and 1007 Southwest 13th Street; providing conditions; providing a severability clause; and providing an effective date.

Explanation: STAFF REPORT

This petition is a request to amend the Future Land Use Map from Residential Low Density (up to 12 dwelling units per acre) to Planned Use District (PUD). The PUD, allows 35 dwelling units per acre on 5.745 acres with associated parking, stormwater management and residential amenities. The property is currently developed with two single-family homes.

The subject property is adjacent to single-family land use on the east, across the street from Single-Family land use on the south, across Southwest 13th Street from Residential Medium-Density land use on the west and adjacent to the Depot Avenue Rail Trail on the north. Residential High-Density land use abuts the rail trail to the north. The existing development surrounding the proposed site is single-family to the east and south, and transitioning from single-family to multifamily north of the rail trail. The east side of Southwest 13th Street is developed multi-family. The subject property is within a block of P.K. Yonge Developmental Research School. The site is served by RTS routes 8, 13, 16 and 43.

The proposed development would include 201 dwelling units. The PUD conditions limit lot coverage to 45% of the Site. All parking will be in structure parking. Site impact will also be reduced by a vaulted stormwater system. Access to the development will be from Southwest 11th Avenue. No access is possible from Southwest 13th Street. Additional pedestrian and bicycle access will be from the Depot Avenue Rail Trail. The property is in Zone A of the Transportation Concurrency Exception Area. Accessory recreational facilities will be located in the center of the site.

The City Commission heard the petition during a public hearing and approved the Plan Board recommendation. The staff presentation noted staff's concern regarding the relationship of the high-density residential development to the adjacent low-density single-family neighborhood, and the weight that staff placed upon letters of support from some members of the neighborhood as a result of a neighborhood workshop. Staff outlined the face-to-face relationship and the side-to-rear relationship of the single-family and the proposed

multi-family development and accessory parking. Other issues discussed, include the slope and the wooded character of the site. The proposed terraced development plan was discussed. The Board discussed the opportunities for pedestrian and bike access, as well as the benefits of higher density development in close proximity to the university and the hospital complexes.

Public notice was published in the Gainesville Sun on October 5, 2004 and November 7, 2004. Letters were mailed to surrounding property owners on October 6, 2004 and November 5, 2004. The Plan Board held a public hearing October 21, 2004.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/22/04 City Commission Approved (Petition) (6 - 0 - 1 Absent)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

030454

PLANNED DEVELOPMENT - WILDFLOWER (B)

Ordinance No. 0-05-10, Petition No. 111PDV-03PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from "RMF-5: 12 units/acre single-family/multiple family residential district "; to "Planned Development District", commonly known as "Wildflower Planned Development"; located in the vicinity of 1005 and 1007 S.W. 13th Street and consisting of approximately 5.7 acres; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; and providing an immediate effective date.

Explanation: STAFF REPORT

The proposed planned development is a 201-unit multi-family development with a parking garage on a 5.745-acre site. The Planned Development ordinance with the PD report and PD Layout plan adopt all conditions of approval. The petition was approved, with conditions, by the City Commission on November 22, 2004. A separate motion was made by the City Commission to direct staff to engage the Florida Department of Transportation (FDOT) District 2 to consider a left turn storage lane on SW 13th Street and report back to the Public Works Committee of the City Commission. A report on that matter was made from the Public Works Committee to the Commission on April 25, 2005. No recommendation was made to change the proposed planned development conditions as reviewed by the Commission in November 2004.

The proposed density is 35 dwelling units per acre. The total number of bedrooms will be 360. The proposed buildings are 5 four-story apartment buildings, connected by a system of elevators and walkways, a 4-story parking garage with 416 parking spaces and amenities including a swimming pool, a recreation facility and basketball court and maintenance facilities. All access is from Southwest 11th Avenue. Improvements by the developer to Southwest 11th Avenue will include a left-turn lane into the property and a left-turn storage lane on Southwest 11th Avenue at the intersection with SW 13th Street. The development abuts the Depot Avenue Rail Trail, providing easy bike and pedestrian access to the UF Campus and Shands Hospital. The developer will install a bus shelter on Southwest 13th Street near Southwest 11th Avenue.

The property has a significant grade change. As a result, the proposed development will be terraced, with an elevation grade change of approximately ten feet between buildings from north to south. The majority of the stormwater management facilities will be under the parking garage. The PD ordinance limits the impervious surface area to 67% of the site. There is a 100-foot building setback from the east property line to the building face. Retaining walls, air conditioner pads, sidewalks landscape/hardscape, limited lighting and emergency and service vehicle access will be within this setback. A berm with a hedge is shown on the PD layout plan between these improvements and the east property line. The two existing historic structures will be removed for the proposed development. The 90-day demolition delay, Sec. 6-19, applies to the proposed demolition. The PD ordinance directs the paint colors be earth tone colors and that the Audubon Park Neighborhood Association will review the colors for neighborhood compatibility and make a recommendation to the development review board for the board's review and approval.

The proposed development is in Zone A of the Transportation Concurrency Management Area.

Public notice was published in the Gainesville Sun on October 5, 2004 and November 7, 2004. Letters were mailed to surrounding property owners on October 6, 2004 and November 5, 2004. The Plan Board held a public hearing October 21, 2004.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of November 22, 2004 authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the city to planned development commonly known as "Wildflower Planned Development" within the City of Gainesville.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/22/04 City Commission Approved (Petition) with Staff and Plan Board
Conditions, as modified (5 - 0 - 2 Absent)

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031253**COMPREHENSIVE PLAN AMENDMENT - TCEA (B)****Ordinance No. 0-05-17; Petition 79CPA-04 PB**

An ordinance of the City of Gainesville, Florida, amending the Concurrency Management Element of the City of Gainesville 2000-2010 Comprehensive Plan; adding Zone C to the Transportation Concurrency Exception Area; adding policies for Zone C; amending other policies to update the Element; amending Capital Improvements Element and Future Land Use Elements to implement the TCEA expansion; 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

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

- 1. Amend policies in the Concurrency Management Element to add and implement a Zone C in the City's Transportation Concurrency Exception Area (TCEA). Related petition 78LUC-04PB provides the map amendments needed to add this area to the TCEA.*
- 2. Amend policies in the Future Land Use Element and Capital Improvements Element to implement the Zone C expansion of the TCEA.*
- 3. Change policies in the existing Concurrency Management Element to clarify and update certain policies and add policies to encourage redevelopment in certain areas.*

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

Additions and amendments will be made to existing Data and Analysis Report for the Concurrency Management Element that updates it to include

information about the proposed Zone C area.

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

Public notice was published in the Gainesville Sun on November 16, 2004 and January 7, 2005. The Plan Board held a public hearing December 2, 2004. The City Commission held a public hearing on this petition on January 24, 2005 and May 23, 2005.

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.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA 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.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed ordinance at the transmittal stage.

Legislative History

1/24/05	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
5/23/05	City Commission	Approved (Petition) (5 - 0 - 2 Absent)

031253a_200501241300.pdf
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031252**COMPREHENSIVE PLAN AMENDMENT (TCEA) (B)****Ordinance No. 0-05-16; Petition 78LUC-04 PB**

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; amending the City of Gainesville Future Land Use, Transportation Mobility and Concurrency Management Elements' Map Series and Legal Descriptions to add a Zone C to the Transportation Concurrency Exception Area (TCEA) containing areas annexed in the Archer Road/Southwest area annexation; amending the Future Land Use Map Series to expand the Designated Urban Redevelopment area to include the Archer Road/Southwest area annexation; amending the existing and potential transit hubs, terminals, transfer stations map, Transportation Mobility Map Series; amending the Concurrency Management Element Map Series to add a NW 13th Street Special Concurrency Redevelopment Area Map; 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

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

This petition is related to Petition 79CPA-04PB, which provides the Comprehensive Plan text amendments to add a Zone C; provides amendments that clarify existing policies; and adds new policies to update the element.

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

The City Commission, at its October 27, 2003 meeting, voted to recommend addition of a portion of the Archer Road/SW annexation area into the existing TCEA, and further asked staff to analyze transportation concurrency solutions for the remainder of the SW Archer Road annexation area. Petitions 78LUC-04PB and 79CPA-04PB deal with that larger area. Staff has analyzed

the various options available and determined that the best solution is to expand the existing Transportation Concurrency Exception Area and create a new Zone C with specially tailored regulations for the new zone that take into account the specific needs within the area.

The Plan Board heard the petition and recommended that it be approved, with the modification to the petition that Map 14 from the Data and Analysis Report supplement be added to the Concurrency Management Map Series.

Public notice was published in the Gainesville Sun on November 16, 2004, January 7, 2005 and May 6, 2005. Letters were mailed to owners of property located within the proposed TCEA Zone C on November 17, 2004, January 7, 2005 and May 6, 2005. The Plan Board held a public hearing December 2, 2004. The City Commission approved the Petition January 24, 2005, and referred the matter to the Community Development Committee for review prior to first reading of the ordinance. The Petition was heard again by the City Commission on May 23, 2005 for review prior to first reading of the ordinance.

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.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA 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.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed ordinance at the transmittal stage.

Legislative History

1/24/05	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
5/23/05	City Commission	Approved (Petition) (5 - 0 - 2 Absent)

031252a_200501241300.pdf
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041050**LAND USE CHANGE - PORTOFINO SUBDIVISION (B)****Ordinance No. 0-05-42, Petition 16LUC-05PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain properties annexed into the City from the Alachua County land use category of "LOW, Low Density Residential" to the City of Gainesville land use category of "Single-Family (up to 8 units per acre)"; consisting of approximately 34 acres; located at the south side of Southwest 24th Avenue, west of I-75 and east of Tower Road; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This petition is related to zoning petition 17ZON-05 PB. The purpose of this petition is to apply City of Gainesville land use categories onto land that was annexed into the City in 2004. Land use districts are recommended that match those of the existing Alachua County districts or that are felt to be the most appropriate for the property based upon location, surrounding development and other factors. The county land use designation of each property will remain in effect until this proposed amendment has been adopted.

The annexed area includes 2 parcels that total approximately 34 acres. The Portofino Cluster Development is a subdivision of single-family detached houses located west of Interstate 75 on Southwest 24th Avenue. The Alachua County land use designation for Portofino is Low Density Residential (1-4 units per acre) with a County zoning designation of R-1A (Single-family, low density). The requested large-scale land use amendment is from Low Density Residential to the City of Gainesville land use designation of SF (Single Family, up to 8 units per acre).

The recommended SF land use designation is similar in character to the Alachua County Low Density Residential land use. The density allowed is comparable, depending on the subsequent zoning category that is chosen. The property that lies generally to the east of the subject property was annexed into the City of Gainesville in 2001. The current land use for this property is CON (Conservation), while the existing zoning classification is CON (Conservation). North of the subject property is land with Alachua County High Density Residential (greater than 14 to less than or equal to 24 dwelling units per acre) land use with R-2A (Multiple-family, medium-high density) zoning, and Low Density Residential land use with R-1A zoning. To the west is Alachua County Medium High Density (greater than 8 to less than or equal to 14 dwelling units

per acre) and Medium Density (greater than 4 to less than or equal to 8 dwelling units per acre) land uses. The respective zoning districts are R-2A and PD (Planned development). South of the subject property is land with Alachua County Institutional land use and R-1A zoning, plus conservation land that is within City limits, with CON land use and zoning.

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

Public notice was published in the Gainesville Sun on March 1, 2005. Letters were mailed to surrounding property owners on March 2, 2005. The Plan Board held a public hearing March 17, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 16LUC-05 PB. Plan Board vote 5-0.

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.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA 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) approve Petition No. 16LUC-05PB; and 2) adopt the proposed ordinance on first reading.

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041186

LAND USE CHANGE - BLUES CREEK (B)

Ordinance No. 0-05-54, Petition 48LUC-05PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties annexed into the City from the Alachua County land use category of "LOW, Low Density Residential" to the City of Gainesville land use category of "Residential Low-Density (up to 12 units per acre)", as more specifically described in this Ordinance, generally located in the

vicinity of the 7200 block of N.W. 52nd Terrace; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The subject property is 18 acres in size, and is a portion of the Blues Creek development in northwest Gainesville (known in the Planned Unit Development as "Unit 1"). The property was annexed into the city in 2005, and is mostly found within the 100-year FEMA floodplain. A much larger portion of the Blues Creek development-256 acres-was annexed into the city in 2001 and 2002. This property must be brought into conformance with the City's Comprehensive Plan. This requires amending the City's Future Land Use Map to include this property. This petition would amend the City's Future Land Use Map.

Single-Family residential (SF) land use is north of the property, is also part of Blues Creek, and is undeveloped. County Low-Density Residential (1-4 du/ac) land use is adjacent and developed to the south, east and west.

The revised Master Plan for Blues Creek, dated November 1999, specifies that the 18 acres within Unit 1 shall contain 57 single-family attached homes. All units are to be 2- or 3-bedroom homes, with a maximum height of 35 feet. Each lot has a zero setback. Setbacks from the property perimeter or dedicated streets are 35 feet for front, 20 feet for rear and 10 feet from side.

The character of the nearby property is largely suburban residential. Because the character of nearby properties is compatible, these properties are most suitably given a Residential Low (RL) land use.

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

Public notice was published in the Gainesville Sun on April 5, 2000. Letters were mailed to surrounding property owners on April 6, 2005. The Plan Board held a public hearing April 21, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 48LUC-05 PB. Plan Board vote 6-0.

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.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA 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) approve Petition No. 48LUC-05PB; and 2) adopt the proposed ordinance on first reading.

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041189**LAND USE CHANGE - COFRIN PROPERTY (B)****Ordinance No. 0-05-65, Petition 51LUC-05PB**

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use categories of certain property from "Single-Family (up to 8 units per acre)" to "Conservation" and "Public Facilities"; consisting of approximately 30 acres, located in the vicinity of the north side of Northwest 8th Avenue, at 4810 and 4910 N.W. 8th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The subject property is approximately 30 acres in size, is undeveloped except for a single-family house, has CON (conservation) and PS (public service) zoning, and a 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 property 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 land use change 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 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 PF (public facilities) and CON (Conservation) land use 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 manage the park.

The Plan Board heard the petition and recommended approval.

Public notice was published in the Gainesville Sun on May 3, 2005. Letters were mailed to surrounding property owners on May 4, 2005. The Plan Board held a public hearing May 19, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 51LUC-05 PB. Plan Board vote 6-0.

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.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA 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) approve Petition No. 51LUC-05PB; and 2) adopt the proposed ordinance on first reading.*

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041190

LAND USE CHANGE - KIRKWOOD (B)

Ordinance No. 0-05-56, Petition 52LUC-05PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties from "Single-Family (up to 8 units per acre)" to "Conservation", as more specifically described in this Ordinance, generally located in the vicinity of 3304 South Main Street; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This petition is related to zoning petition 53ZON-05 PB. The subject properties are located in the Kirkwood subdivision on the west side of South Main Street, south of Southwest 29th Place. This petition includes two properties. A parcel of approximately 24 acres is located just north of the Bivens Arm Nature Park and is owned by the City of Gainesville. The second parcel of approximately nine acres lies between the first parcel and residential properties located along the south side of Southwest 29th Place. The 24-acre property is designated to become part of the Bivens Arm Nature Park, while the other property will remain in private ownership.

To the north of the site is residential land with SF (Single-Family, up to 8 units per acre) land use and RSF-1 (3.5 units per acre single-family residential) zoning and land with CON (Conservation) land use and PD (Planned development) zoning. East of the subject properties across South Main Street is single-family residential development with RSF-1 zoning and SF land use, and an office building with PD zoning and land use designations of PUD (Planned use district) and CON. To the south is Bivens Arm Nature Park, with CON land use and zoning. On the west side of the subject properties are developments with PD and RH-1 (8-43 units/acre residential high density district) zoning and land use designations of RH (8-100 units/acre Residential High Density) and RL (Residential Low Density, up to 12 units per acre).

The request of this petition is to change the land use of the subject properties from SF to CON. This change is requested in order to preserve and protect an area that is environmentally sensitive, while also allowing for an increase in the acreage of the Bivens Arm Nature Park. This will provide for additional passive recreation opportunities for the public.

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

Public notice was published in the Gainesville Sun on April 5, 2005. Letters were mailed to surrounding property owners on April 6, 2005. The Plan Board held a public hearing April 21, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 52LUC-05 PB. Plan Board vote 4-0.

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.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA 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) approve Petition No. 52LUC-05PB; and 2) adopt the proposed ordinance on first reading.

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040796**AMENDMENTS TO CHAPTER 9, ELECTIONS (B)****Ordinance No. 0-05-71**

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-5 of the Code of Ordinances, providing that the proclamation calling the election shall be issued at least thirty days prior to the election; renumbering Section 9-11 to Section 9-10 of the Code of Ordinances, providing that this section only pertains to qualifications of candidates for city commission; creating a new Section 9-11 of the Code of Ordinances, providing for campaign contribution limitations and campaign finance reports; providing directions to the Codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of December 13, 2004, authorized the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 9, Elections, of the Code of Ordinances, regulating city commission campaign contributions the same as the limitations of Alachua County. Additionally, this Office has initiated an amendment to Section 9-5 of the Code clarifying that the mayor issues a proclamation calling the election at least 30 days prior to the election.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

12/13/04 City Commission Referred (7 - 0) City Attorney
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050064**TRESPASS TOWING ADMINISTRATIVE FEE (B)****ORDINANCE NO. 0-05-70**

An ordinance of the City of Gainesville, Florida, amending section 14.5-26(a) of the Code of Ordinances, to clarify that the administrative fee for processing towing applications applies to all trespass towing regulated by ordinance; applies whenever a property owner changes towing vendor and is an annual fee; amending the Police section of Appendix A, Schedule of Fees, Rates and Charges to specify an administrative fee for processing trespass towing applications; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date of July 1, 2005.

Explanation: On June 13, 2005, the City Commission voted to authorize the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance to provide that the administrative fee is required annually for all current and future non-consensual, trespass towing contracts.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/13/05 City Commission Approved as Recommended (7 - 0)
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ORDINANCES, 2ND READING- ROLL CALL REQUIRED**041241****SPECIAL INSPECTIONS AMENDMENT TO THE FEE SCHEDULE, APPENDIX A (B)****Ordinance No. 0-05-51**

An ordinance of the City of Gainesville, Florida, relating to user fees; amending Appendix A of the Code of Ordinances to include under Building and Building Regulation a fee for special inspection services for certain single family, multi-family, and mixed use development projects; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City's Building Division has had several requests, with increasing frequency in recent years, for special inspections and/or the assignment of an inspector to a specific job site on a full-time basis for the purpose of inspection. To date the City has not had the mechanism in place to provide this service.

On April 25, 2005, the City Commission authorized the City Attorney to prepare an ordinance to allow the City to have full cost recovery for providing this special inspection service. The draft ordinance proposes to amend Appendix A of the Code of Ordinances to allow for recovery of the expenditures necessary for special inspections. In order for a building or project to qualify for special inspections it must meet the following criteria:

- 1. Contract price of \$10,000,000 or greater, or*
- 2. 50,000 or greater total gross square feet, or*
- 3. Meets the definition of a Threshold Building as defined in s. 553.71(7), Fla. Stat.*

Additionally, large single-family dwelling developments (in excess of 75 dwelling units) may request special inspections of the Building Official.

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, June 27, 2005.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/25/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)
 6/13/05 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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040918

STREET VACATION (B)

Ordinance No. 0-05-39, Petition 196SVA-04PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a 15-foot alley running west of Southeast 11th Street (a/k/a Williston/Waldo Road) to the abandoned rail line (bicycle rail trail) in Block 28, New Gainesville, as recorded in Plat Book A, page 65, Public Records of Alachua County, Florida; reserving a utility easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

The purpose of this request is to vacate a 15-foot wide right-of-way west of S.E. 11th Street (also known as Williston Road and/or Waldo Road) to allow for the future expansion of the existing Education Child Care Center located north of the right-of-way. South of the right-of-way is vacant, unclassified land. The right-of-way runs for approximately 115 feet west into the bicycle rail trail. The owner of the child care center would like to purchase the unclassified land for the purpose of expansion after the right-of-way is vacated. The right-of-way is a "paper street," that consists of several trees and other vegetation. It provides no public service and would best be used as taxable land.

The Plan Board heard the petition and recommended that it be approved with the condition to retain an easement for utilities.

Public notice was published in the Gainesville Sun on February 1, 2005. Letters were mailed to surrounding property owners on February 2, 2005. The Plan Board held a public hearing February 17, 2005. The City Commission heard and approved this petition March 14, 2005.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of March 14, 2005, authorized the City Attorney to draft the proposed ordinance for street vacation.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/14/05	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
6/13/05	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

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041054**REZONING - 800 BLOCK OF SOUTHEAST 11TH STREET (B)****Ordinance No. 0-05-45, Petition No. 28ZON-05PB**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from "PS: Public services and operations district" to "RSF-3: 5.8 units/acre single-family residential district"; located in the vicinity of the 800 block of Southeast 11th Street, east side, consisting of approximately 4.8 acres; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject property is 4.8 acres. It was formerly owned by Alachua County School Board as part of Lincoln Middle School. The property was sold by the School Board and purchased by the petitioner approximately 4 years ago. Since the property was purchased by the petitioner, the only facility on the property-a swimming pool-has been demolished and removed.

The petitioner intends to build single-family homes on this property, which would add new housing to southeast Gainesville.

The property currently has a Public Facilities (PS) zoning designation.

Education (ED) zoning owned by the School Board is east and south of the property. Residential Single-Family (RSF-1, 3.5 du/ac) zoning is also south of the property. The property to the west is RSF-3 (single-family residential, 5.8 du/ac) zoning. To the north, the property is RSF-4 (single-family residential, 8 du/ac) and ED (Education) zoning.

Nearby property is currently in lower-density residential and public school (middle and elementary) use. Because the character of nearby properties is compatible, an RSF-3 (residential single-family, 5.8 du/ac) zoning designation for this property would be suitable.

The Plan Board heard the petition and recommended that it be approved, with the amendment that the entire affected property be rezoned to RSF-3.

Public notice was published in the Gainesville Sun on March 1, 2005. Letters were mailed to surrounding property owners on March 2, 2005. The Plan Board held a public hearing March 17, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 28ZON-05 PB. Plan Board vote 5-0.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board

both recommend approval.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/13/05 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

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041185

REZONING - GIRLS CLUB OF ALACHUA COUNTY (B)

Ordinance No. 0-05-53, Petition No. 47ZON-05PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and changing the zoning of certain property with the category of "PS: Public services and operations district" to permit the use of a charter school, in addition to the current permitted uses of after school and summer day camp recreational programs and accessory community activities; without the requirement of a minor development plan; located in the vicinity of 2101 N.W. 39th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

The subject property is located at 2101 Northwest 39th Avenue and is currently developed as the Girls Club of Alachua County. The proposed rezoning is 5.3 acres. The property lies between Green Tree Park on the east and a place of religious assembly on the west. The current Future Land Use category designation on the subject property is Recreation, pending an amendment to the Public Facilities land use category. The existing zoning is Public Service. The surrounding land use designations are Single-Family to the north and west, Recreation to the south and east. Surrounding Zoning is RSF-1 to the north, Public Service to the east and south, and RSF-1 to the west. The present use is an after-school and summer Girls Club of Alachua County recreation program and facility.

The current Recreation land use designation was given to this property because it was acquired by the City for recreation use and subsequently deeded to the Girls Club. There are no restrictions to the use of the property in the deed. The Public Service zoning category is used to identify suitable locations for public and private utility and recreation activities that serve and are used directly by the public for their own benefit and are necessary to the normal conduct of the community's activities. The Public Service district may be isolated and surrounded by other zoning districts compatible with the intended use of the facility.

The Girls Club wishes to utilize the existing recreation facilities for a charter school during regular school hours when the after-school recreation program does not use the facility. The proposed use would not encroach upon the existing recreation area, as the buildings and parking are existing. The Girls

Club serves up to 120 children in the after-school program and operates a summer day camp program. The proposed charter school will be limited to 54 students. The Charter School will be developed on the theme of health education and physical fitness for Kindergarten to 2nd Grade. The property will continue to be used in the evening as a meeting place for community groups and events.

The Plan Board heard the petition and recommended that it be approved with the condition that the Girls Club be allowed to operate an after-school and summer day camp recreational program as existing, a charter school, and accessory community activities.

Public notice was published in the Gainesville Sun on April 5, 2005. Letters were mailed to surrounding property owners on April 6, 2005. The Plan Board held a public hearing April 21, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 47ZON-05 PB. Plan Board vote 4-0.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/13/05 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (7 - 0)

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RESOLUTIONS- ROLL CALL REQUIRED

050128

RESOLUTION AUTHORIZING THE ISSUANCE OF TAXABLE OTHER POST EMPLOYMENT BENEFITS OBLIGATION BONDS, SERIES 2005 (B)

A resolution of the City of Gainesville, Florida, amending resolution No. 020919, supplementing resolution No. 020918 and providing for and authorizing the issuance of the City's Taxable Other Post Employment Benefits Obligation Bonds, Series 2005 in an original aggregate principal amount not to exceed \$45,000,000 to fund the unfunded retiree health care obligations of the City; authorizing the Interim City Manager, the Administrative Services Director or the Finance Director to award the sale of such bonds to Citigroup Global Markets Inc. in accordance with certain parameters set forth herein; approving the form and authorizing the execution and delivery of a bond purchase contract; appointing J.P. Morgan Trust Company N.A. as paying agent and registrar with respect to such bonds; approving the form and authorizing the circulation of a preliminary official statement and authorizing the execution and delivery of a final official statement; authorizing the Interim City Manager, the Administrative Services Director or the Finance Director to deem final the preliminary official statement; authorizing the Interim City Manager, the Administrative Services Director or the Finance Director to accept the

terms of a commitment for municipal bond insurance from MBIA Insurance Corporation; approving the form and authorizing the execution of a continuing disclosure certificate; authorizing certain officials of the City to execute any documents and take any actions required in connection with the issuance of said bonds; providing an effective date for this resolution; and providing certain other details with respect thereto.

Explanation: The actuarial valuation on the City of Gainesville Retiree Health Care Plan as of September 30, 2003 established an Unfunded Actuarial Accrued Liability (UAAL) of \$30,634,773. Traditionally, this unfunded liability is amortized over a period of years through contributions from the employer (City) to the plan. This liability currently carries an interest rate of 9%. As calculated by the plan actuary, the average annual employer contribution required over the next 10 years to amortize this liability is approximately \$4.86 million.

Given existing market conditions, the City has the opportunity to issue taxable debt to discharge the UAAL at favorable rates relative to the current 9% level. Currently, the true interest cost on a 10-year taxable issue is approximately 4.7%. The proceeds from this financing will be deposited into the Retiree Health Care Plan, thus retiring the UAAL. The employer (City) will then make the scheduled debt service payments in lieu of the annual UAAL amortization payments.

Fiscal Note: At current rates, the average annual debt service on a 10-year taxable issue sized to retire the UAAL is approximately \$4.2 million. This produces a projected annual gross savings in excess of \$600,000 per year over 10 years, for a total gross savings of approximately \$6 million. On a present value basis, the total savings are approximately \$4.7 million over the life of the issue.

RECOMMENDATION

The City Commission: 1) adopt the resolution authorizing and providing for the issuance of the Taxable Other Post Employment Benefits Obligation Bonds, Series 2005 to retire the Retiree Health Care Plan's Unfunded Actuarial Accrued Liability; and 2) authorize the Interim City Manager, Administrative Services Director, and Finance Director to retain the required professional services to implement this issue and to take the other actions provided for in the resolution.

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050129

Final single-lot replat approval of Lot 32 of Wimberly Estates - Myrick's Addition located at 4006 NW 36th Terrace. Petition 145SUB-04 CC (B)

Explanation: The petitioner is requesting a single-lot replat of Lot 32 of Wimberly Estates-Myrick's Addition. The property currently has an encroachment over the existing south setback along Northwest 39th Place. There is also an encroachment into the rear setback. Those setbacks are listed on the plat. To correct the situation, the applicant is proposing the new setbacks as shown on the proposed replat of Lot of Lot 32, "WIMBERLY ESTATES-MYRICKS

ADDITION." The property owner's goals can be accomplished with the following setback approvals. The setback along Northwest 36th Terrace will remain as a front setback. The setback along Northwest 39th Place will be a street-side setback of 15 feet. The west, rear setback will be 20 feet, and according to Section 30-51(e), Table 1, of the Land Development Code, accessory screened enclosures may be erected within that setback, up to 3 feet from the rear property line.

Fiscal Note: None

RECOMMENDATION

Planning Staff to City Commission - The City Commission adopt the following resolution: A Resolution approving the final replat of "Wimberly Estates-Myricks Addition Replat of Lot 32" located at 4006 Northwest 36th Terrace, Gainesville, Florida; and providing an immediate effective date.

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050130

A resolution of the City Commission of the City of Gainesville, Florida, designating a brownfields redevelopment area in the City of Gainesville, Florida comprised of the proposed University Corners project, for the purpose of environmental remediation, rehabilitation, and economic development, authorizing the City Manager to notify the Florida Department of Environmental Protection of said designation; and providing an effective date. (B)

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

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

Mr. Conroy is seeking the Brownfield Area designation to qualify his project for the Brownfield Redevelopment Bonus Refund to attract business tenants when the project is completed. Successful applicants receive refunds of state taxes up to \$2,500 per new job created in a designated Brownfield Area. Businesses seeking this incentive must locate in a designated Brownfield Area and either be certified as a Qualified Target Industry (QTI) as defined in section 288.106 Florida Statutes or be a business that can demonstrate at least \$2 million in fixed capital investment in mixed-use business activities. Eligible businesses must also create at least 10 new full-time jobs, demonstrate that the business will diversify and strengthen the economy, promote capital investment beyond the site, and provide a resolution from the City or County recommending the applicant for the incentive. Under the incentive, the City or County may, at its option, pledge local matching funds equaling 20 percent of the tax refund. If the City or County opts out of the 20% pledge, then the applicant will be eligible for 80% of the tax refund, which is the share to be paid by the State. Businesses with QTI certification generally pay higher wages than the local average wages, employ highly trained workers, and serve multi-state or international markets. The incentive is a tax refund equal to 20 percent of the average annual wage of the new jobs created. Refunds are given on such taxes

as corporate income, sales, ad valorem, intangible personal property, insurance premium, and certain other taxes.

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

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

Fiscal Note: The Brownfield Area designation does not commit local government funds to the Brownfield Area. Designation only establishes eligibility to apply for certain incentive benefits under the state Brownfields program. Until funding has been identified in either city or CRA budgets for providing a match for the Brownfield Redevelopment Bonus Refund, the ability of any business located in the University Corners Brownfield Area to seek city funds for this program will be surrendered by agreement. The business may still apply for the state portion of the tax refund amounting to 80% of the total tax refund to which it is entitled.

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

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050132

UNITED STATES CONFERENCE OF MAYORS' CLIMATE PROTECTION AGREEMENT (B)

A Resolution of the City Commission of the City of Gainesville, Florida; endorsing the United States Conference of Mayors' Climate Protection Agreement; authorizing the Mayor to support the Agreement; providing directions to the Clerk of the Commission; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of June 13, 2005, directed the City Attorney to prepare this Resolution.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS**040424****Bar Closing Times - Discussion with University of Florida Student Government (B)**

Explanation: This item was referred from a Special City Commission meeting held on September 14, 2004 with UF Student Government, for the Public Safety Committee to review the bar closing hours. The Public Safety Committee held three public meetings and heard from University of Florida officials, the UF SAFE (Safe and Fair Entertainment) Committee, citizens, business members, and Police and City Attorney staff. The committee received and discussed reports from the Gainesville Police Department on staffing related to bar closings, from the City Attorney's Office on surveys of peer cities, from the University of Florida Assistant Director of Student Activities, from the UF Professor of Pharmacology, from the UF Director of Student Health Center and from the UF SAFE Committee. These reports are provided in the back-up documents.

Discussion focused on the impact of changing the bar closing hours from the current time of 2:00 a.m. to the extended time of 3:00 a.m. The SAFE Committee expressed concern with crowd dispersal and difficulty in accessing public and private transportation due to the crowds at 2:00 a.m. Their proposal to extend the bar hours was not to continue serving or selling, but to allow patrons the additional hour to leave the establishment at their leisure, making for a more efficient exit. The peer city survey conducted by the City Attorney's office reflected the majority bar closing and bar hours at the 2:00 a.m. to 2:30 a.m. hour, with only two outliers that closed at 3:00 a.m. The staffing report prepared by the Gainesville Police Department reflected an approximate \$55,000 increased cost for officers to cover an additional hour, which would also result in an impact to all shifts. The report noted the extended impact on quality of life issues in the downtown/university area, such as boom box noise, additional traffic congestion and increase in opportunity for crimes due to officers covering the downtown and University bar areas. University of Florida officials provided alcohol consumption statistics and numerous documents in opposition to extending the bar hours.

After thorough discussion of the reports and the facts presented, the Committee concluded that they did not receive information that rose to the level of changing the ordinance. The Committee did express that they are cognizant of the crowd dispersal problem between 1:45 and 1:55 a.m. as an area that would be beneficial to address. The Committee acknowledges appreciation to UF officials for their extensive research, and to Student Body President Goldberg for his diplomacy and professionalism in representing the students.

RECOMMENDATION

The City Commission 1) receive and accept the Public Safety Committee report and recommendation to make no changes to the ordinance, maintaining the bar closing hours at 2:00 a.m., and 2) remove this item from the Public Safety Committee's pending referral

list.

Legislative History

9/14/04	City Commission	Referred (7 - 0)	Public Safety Committee
1/20/05	Public Safety Committee	Discussed	
2/17/05	Public Safety Committee	Discussed	
4/21/05	Public Safety Committee	Discussed	

Bar Closing Hours Statement from Dr.Barkley for PSC.txt

Bar Closing Staffing report for PSC.txt

UF Bar Closing Comments.txt

BAR CLOSING HOURS SURVEY 2.TXT

Bar Closing Statement from Dr. Doering.txt

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UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT - 11:27 PM