

# **City of Gainesville**

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



## **Meeting Agenda**

**January 23, 2006**

**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

## 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

### 050803

#### **Annexation of Parcel Number 06712-001-000 and Parcel Number 06712-002-000 (B)**

**This is the submission of petitions for voluntary annexation in the area of SW 20th Avenue covering approximately 7 acres.**

*Explanation: Anne Lowe, property owner, and William Boykin, Jr. / Michael Warren have submitted petitions to the City of Gainesville for voluntary annexation. The properties are located south of Tax Parcel 06711-000-000 and in the vicinity of the City limits, west of SW 35th Terrace and SW 19th Avenue, north of the vicinity of SW 20th Avenue, and east of the vicinity of SW 38th Terrace. Staff has determined that the petitions bear the signatures of the property owners or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act. This area meets the requirements of the Act and is appropriate for annexation. The property is currently vacant.*

*Fiscal Note: The fiscal impact of this annexation will be addressed in the urban services report.*

#### **RECOMMENDATION**

*The City Commission: 1) receive the petitions for annexation; and make findings that they contain the signatures of the property owners or authorized agents; 2) direct the City Manager to analyze the area;*

and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.

*Alternative Recommendation: The City Commission deny acceptance of the petitions.*

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## **050804**

### **Settlement of Worker's Compensation Claim - Glover Hines (NB)**

**This item involves the full and final settlement of Mr. Hines worker's compensation claim, which will include all future medical and indemnity payments. The total settlement amount is \$100,000 and represents a significant cost advantage to the City.**

*Explanation: While employed as a Lead Lineman, Mr. Hines suffered an electrical shock injury from a high voltage transformer that required hospitalization with second degree burns covering 30% of his body and ongoing medical treatment by multiple medical providers. As a result of his injury and subsequent permanent work restrictions imposed by his treating physicians, Mr. Hines is no longer able to perform the essential functions of his job as a Lead Lineman.*

*Recently, GRU, David Jarvis, Workers Compensation and Loss Control Manager and Mr. Hines attempted to mediate a settlement of his worker's compensation claim. Mr. Hines agreed to the proposed settlement. The GRU Attorney's Office, the Risk Management Department, the GRU T&D Department, and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$100,000, includes future medical costs, past and future indemnity payments.*

*Fiscal Note: The settlement of this case in the amount of \$100,000 will be paid out of the Electric Operating System Fund.*

#### **RECOMMENDATION**

*The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Hines, in the amount of \$100,000.*

## **050806**

### **Proposed Comprehensive Economic Development Strategy (CEDS) Projects (B)**

**This item involves proposing a list of ten projects within the City of Gainesville to the North Central Florida Regional Planning Council's CEDS Strategy Committee that could be eligible for future Federal Economic Development Administration (EDA) funding.**

*Explanation: The North Central Florida Regional Planning Council serves as the entity that administers programs for the eleven county Federal Economic Development District principally through the Federal Department of Commerce and Economic Development Administration (EDA).*

*Annually, a Comprehensive Economic Development Strategy (CEDS) is developed for the region and as part of this effort, a prospective economic development project list is developed. Any prospective regional project that is seeking supportive Economic Development Administration (EDA) funding must be included on this CEDS project list.*

*This year, in an effort to enhance funding prospects for regional projects, a CEDS Strategy Committee has been formed from amongst members of the North Central Florida Regional Planning Council's representative jurisdictions to review proposed projects from affected jurisdictions in the eleven county Economic Development District in an effort to refine and prioritize them. A list of approximately twenty five regional projects will then be submitted to the Economic Development Administration (EDA) as part of the CEDS Strategy report for potential future funding.*

*North Central Florida Regional Planning Council staff has asked that each affected jurisdiction forward a proposed project list of no more than 10 projects to the Council by January 31, 2006.*

*A proposed list of ten projects is attached in keeping with EDA funding priorities. The list is comprised of five projects identified as priorities by the City Commission recently for its 2007 Federal Agenda plus an additional five projects deemed important for future area economic development.*

*Fiscal Note: There is no fiscal impact regarding this item. Should proposed projects ultimately be placed on the final CEDS Strategy Project list for the region, pursuit of funding for the projects is left to the affected jurisdiction.*

**RECOMMENDATION**

*The City Commission: 1) approve the proposed Comprehensive Economic Development Strategy project list; and, 2) direct staff to forward this information to appropriate North Central Florida Regional Planning Council staff.*

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**050844**

**Acceptance of Federal Homeland Security Grant Funds for Domestic Preparedness (NB)**

**Authorize the City Manager to execute existing and future contracts with the State of Florida for grant funding to support Fire Rescue Specialty Team Response and Training associated with the Florida Strategy for Homeland Security.**

*Explanation: The U.S. Department of Justice approved the State of Florida, Department of Community Affairs' (DCA) preparation and participation in the State and Local*

*Domestic Preparedness Program funded by Congress. The goal of the funding is to provide sufficient training and response equipment to make the local community self-sufficient until outside help arrives. Additionally, this initiative also provides assurance that a cadre of trained and equipped personnel to assist other parts of the State until a large-scale response at the State and Federal level can be mobilized exists. Training and equipment are being provided specifically for chemical, biological, and nuclear threats. As reported previously to the City Commission, the Gainesville Fire Rescue Hazardous Materials Team fulfills its role as one of the State's 28 Hazmat/WMD Response Teams and regionally, is the core of the North Central Florida Regional Hazardous Materials Team. As such, the team is often the recipient of the grant funds for equipment and training. The DCA requires the recipient to: 1) replace and potentially be reimbursed through local, state or federal reimbursement processes or agreements, all goods and supplies expended for emergency response, training or exercises conducted in accordance with the Florida Comprehensive Emergency Management Plan; 2) respond to any and all incidents within its regional response area; 3) participate in at least three regional training events per year and at least one regional exercise or terrorist event simulation, as directed by the DCA; and 4) submit reports on that training.*

*On May 15, 2002, the City Commission adopted a Resolution authorizing the acceptance of the State of Florida, Department of Community Affairs subgrant funds for the State and Local Domestic Preparedness Equipment Program and agreed to accept the specialized equipment to participate in the State of Florida Terrorism Response System. The City was given preference for additional funding of equipment maintenance, replacement or repair, as well as training and exercises. Parameters for additional funding have come through grants, subgrants, agreements, memoranda of understandings, and Interlocal agreements.*

*Fiscal Note: The City is not required to match the funding.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to apply, accept, and execute any and all related documents regarding the Florida Strategy, subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager to approve the necessary budget processes and expenditures for equipment, maintenance of equipment, training and all other related documents.*

**050849**

**Contribution to Market Gainesville Partnership for Development of the Gainesville Community Brandprint™ (B)**

**This item involves the City of Gainesville Communication and Marketing Department intent to contribute the amount of \$20,000 to the Market Gainesville Partnership and participate in the development of a**

**community-wide brand and marketing strategy for Gainesville, Florida.**

*Explanation: The City of Gainesville Communication and Marketing Department has been a key participant in the formation and development of the Market Gainesville Partnership. The Partnership provides a broad-based collaborative forum including: businesses; institutions; non-profit organizations; and local government, to capitalize on resources already devoted to marketing Gainesville. Future plans are to establish the Market Gainesville Partnership as a 501(c) organization. The Partnership has identified North Star Destination Strategies, LLC as the agency it will contract with to combine research, market strategies, and creative work to develop Gainesville's unique community brand and brand logo through a process entitled, "Community BrandPrint." A total fee of \$76,000 will be paid to North Star for their services. The City of Gainesville's contribution will entitle the City to join Gainesville's Chamber of Commerce and the Alachua County Visitor and Convention Bureau as one of three Partnership members that will make final decisions regarding the development of Gainesville's branding strategy. Each Partner will provide a \$20,000 contribution toward the process. Other Partnership members will participate in the process at lesser contribution levels. Implementation of North Star's creative recommendations will require additional funding.*

*Fiscal Note: Funds for the contribution to the Market Gainesville Partnership have been budgeted in the amount of \$20,000 in the FY06 Communication and Marketing operating budget.*

**RECOMMENDATION**

*The City Commission: 1) approve the contribution to the Market Gainesville Partnership; and 2) authorize the Communication and Marketing Department to continue to serve as the City of Gainesville's liaison to the Partnership.*

*Alternative Recommendation A: The City Commission deny the contribution to the Market Gainesville Partnership. This would severely disrupt efforts to develop a community brand and marketing strategy for Gainesville and would prohibit city participation in the final decision process.*

*Alternative Recommendation B: The City Commission deny the contribution to the Market Gainesville Partnership and provide staff direction regarding continued participation in the Market Gainesville Partnership.*

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**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****050846****Release of Easement to Westchester, LLC. (B)**

**Staff is requesting approval of a Release of Easement to Westchester, LLC.**

*Explanation:* In February 2004, Arthur D. Weiss granted the City a public utility easement located in the 8000 block of NW 43rd Street. The property was proposed to be developed as the Krystle Pines subdivision. Since that time the property has been sold to another owner/developer and is now being developed as Westchester subdivision. The new owner of the property has changed the configuration of the proposed streets, lots and utility easement locations. Therefore, they have requested the City to grant a Release of the existing public utility easement.

Staff has reviewed this request for a Release of Easement and recommends the granting of the same. Any new easements that will be required to cover new utility facilities for service to the Westchester subdivision will either be dedicated to the City in the plats of the subdivision or covered in off-site easements as provided by the owner.

*Fiscal Note:* There is no fiscal impact to the City.

**RECOMMENDATION**

*The City Commission: 1) approve the release of a public utility easement located in the 8000 block west of NW 43 Street; and 2) authorize the Mayor and Clerk of the Commission to execute the Release of Easement, substantially in the form on file, subject to approval by the City Attorney as to form and legality.*

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**050847**

**Release of Easement to The Flanagan Companies, Inc. (B)**

**Staff is requesting that an easement granted to the City of Gainesville for the installation of electric utility facilities be released due to the relocation of the lines to an area where an easement is not needed.**

*Explanation:* The Flanagan Companies, Inc., granted the City a fifteen foot wide easement at 556 NE 11th Street on October 17, 2005 to facilitate the installation of new electric service to a minor-subdivision being developed at the same location. Subsequent to the easement being granted, it was determined by the owner and staff that an alternative route would be more advantageous to the City and the owner by reducing the amount of vegetation to be removed.

Staff has reviewed this request and determined that the new route will require no additional easements and therefore has no objection to the existing easement being released, as there are no utilities located within the easement.

*Fiscal Note:* There is no fiscal impact to the City.

**RECOMMENDATION**

*The City Commission: 1) approve the release of an easement to The Flanagan Companies, Inc. located at 556 NE 11th Street; and 2) authorize the Mayor to execute the Release of Easement document subject to approval by the City Attorney as to form and legality.*

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**050848**

**Architectural Services for Proposed Additions to Springhill Service Center (B)**

**Staff recommends approval of the final ranking of the architectural firms and authorization to negotiate a contract in accordance with the Consultants' Competitive Negotiations Act (CCNA) for architectural and engineering services for proposed additions to the Springhill Service Center.**

*Explanation: The Springhill Service Center is the base of operations for the Utility's Energy Delivery Gas and Electric Transmission & Distribution Divisions, engineering and related professional personnel, and associated support vehicles and equipment. The proposed additions to the facility include a multi-purpose meeting and training room for Energy Delivery, bathroom facilities and bulk storage containment area for Fleet Maintenance, and a re-design of the Warehouse building to incorporate covered parking for electric line trucks.*

*Utilities Purchasing issued a Request for Statement of Qualifications (RFSQ) for Architectural and Engineering services for the additions to the Springhill Service Center to ten local architectural firms. The RFSQ was advertised in the Gainesville Sun and was posted on GRU's website. Three firms submitted Statements of Qualifications, which were ranked after evaluation of the submittals and discussions with the firms in accordance with the criteria established in the RFSQ and the CCNA.*

*The following three firms are listed in the order of ranking and a tabulation of the evaluation is attached for your reference: Brame Architects; Rickman Partnership, Inc., and Karl Thorne Associates, Inc.*

*In accordance with the CCNA, staff is recommending initiating contract negotiations with the top ranked firm. If staff is unable to negotiate an acceptable contract with the top ranked firm, it may initiate negotiations with the other firms in order of ranking.*

*Fiscal Note: Funds for these services have been included in the GRU five year capital budget plan.*

**RECOMMENDATION**

*The City Commission: 1) approve the final ranking of the qualified firms in the given order of preference for the provision of Architectural and Engineering Services for the Springhill Service Center Additions project; 2) authorize the General Manager, or his designee, to initiate contract negotiations in accordance with the Consultants' Competitive Negotiations Act (CCNA); and 3) authorize the General Manager or his designee, upon successful negotiations, to execute a contract subject to approval of the City Attorney as to form and legality, in an*



*amount not to exceed budgeted amounts for the project.*

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## CITY ATTORNEY, CONSENT AGENDA ITEMS

### 050825

#### **ARTHUR D. WEISS V. CITY OF GAINESVILLE; UNITED STATES DISTRICT COURT; CASE NO.: 1:05CV158MMP/AK (B)**

*Explanation: On or about December 29, 2005, the City was served with a complaint by Arthur D. Weiss. Plaintiff alleges violation of his civil rights and breach of contract arising out of an Annexation Agreement entered into between Plaintiff and the City in October 1989. Plaintiff seeks declaratory relief and monetary damages.*

#### RECOMMENDATION

*The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available, to represent the City in the case styled Arthur D. Weiss vs. City of Gainesville; United States District Court; Case No.: 1:05CV158MMP/AK.*

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## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

### **050836**

#### **City Commission Minutes (B)**

#### RECOMMENDATION

*The City Commission approve the minutes of January 5, 2005 (Special Meeting); and January 9, 2005 (Regular Meeting); as circulated.*

### 050852

#### **Joint Meeting Alachua County Commission (NB)**

#### RECOMMENDATION

*The City Commission approve the following topic for discussion: Public Access Cable Television.*

### 050385

#### **Master Calendar 2006 (B)**

#### RECOMMENDATION

*The City Commission approve the revised calendar with Budget Meetings.*

#### Legislative History

9/12/05 City Commission Withdrawn  
 12/12/05 City Commission No Action Taken  
 1/9/06 City Commission Discussed

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## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMUNITY REDEVELOPMENT AGENCY, CONSENT AGENDA ITEMS**

### **050791**

#### **Undergrounding Utilities in the Fifth Avenue Pleasant Street CRA Area (NB)**

**This item involves a request from the Community Redevelopment Agency to the City Commission to refer the issue to the Regional Utilities Committee for discussion of potential funding sources for funding underground utilities in the Model Block area and the Fifth Avenue corridor.**

*Explanation: The Fifth Avenue Pleasant Street Redevelopment Advisory Board requested that the Community Redevelopment Agency explore funding options in addition to tax increment, to provide for undergrounding along the Northwest Fifth Avenue corridor and the Model Block area. The CRA voted to request the City Commission to refer the issue of funding undergrounding utilities in the Model Block area and the Fifth Avenue corridor to the Regional Utilities Committee.*

*Fiscal Note: To be determined.*

#### **RECOMMENDATION**

*Community Redevelopment Agency to the City Commission: The City Commission refer the issue of funding undergrounding utilities in the Model Block Program and the Fifth Avenue corridor to the Regional Utilities Committee and bring back a report.*

*Alternative Recommendation A: The City Commission not refer the issue to the Regional Utilities Committee.*

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **END OF CONSENT AGENDA**

## **ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**050854**

**Advisory Board Appeals (NB)**

**RECOMMENDATION**

*The City Commission hear Advisory Board Appeals, if needed.*

**CITY MANAGER**

**050856**

**Elections (NB)**

**RECOMMENDATION**

*The City Commission receive an update on the status of the April 25, 2006 election.*

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

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

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**050834****City Commission Strategic Planning Workshop Results (B)**

**This item addresses the outcome of the City Commission's Strategic Planning workshop for Fiscal Year 2007 Goals and Objectives, which was held on December 2, 2005.**

*Explanation: The City Commission Goals and Objectives for Fiscal Year 2007 were discussed during a Strategic Planning Workshop at Ironwood Golf Course on December 2, 2005. Marilyn Crotty, Director of the University of Central Florida's Institute of Government, facilitated this retreat. Her summary report captures the City Commission's Goals for FY 07, and "Tier One" and "Tier Two" objectives for those goals.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) receive the summary report prepared by Marilyn Crotty; and, 2) adopt the Goals and Objectives for FY 07 that are contained in the report.*

*Alternative Recommendation:*

*The City Commission: 1) receive the summary report prepared by Marilyn Crotty; 2) discuss the Goals and Objectives for FY 07 that are contained in the report and make any agreed upon changes; and, 3) adopt the Goals and Objectives for FY 07 as modified.*

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**050838****Commissioner Warren Nielsen - Charlottesville, VA: University of Virginia and Downtown (NB)****RECOMMENDATION**

*The City Commission hear a presentation and take appropriate action.*

**050839****Commissioner Rick Bryant - Lifesouth Community Blood Center, Inc. (NB)****RECOMMENDATION**

*The City Commission hear a presentation from Mark McGriff on the Five Points of Life.*

**050855****Commissioner Ed Braddy - Teleworkconsortium (NB)**

**RECOMMENDATION**

*The City Commission hear a presentation on teleworkconsortium.*

**COMMISSION COMMENTS (if time available)**

**CITIZEN COMMENT (5:30pm) - Please sign on sign-up sheet**

**COMMISSION COMMENTS (if time available)**

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

**Junior Girl Scout Troop #613**

*Tina Certain, Troop Leader*

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**050840**

**Premier Productions Business Appreciation Day - January 23, 2006 (B)**

**RECOMMENDATION**

*Premier Productions Co-owners Eric Manin and Anthony Hernandez to accept the proclamation.*

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**050841**

**Gainesville Elks Lodge #990 One Hundred Year Anniversary - February 8, 2006 (B)**

**RECOMMENDATION**

*Gainesville Elks Lodge #990 President John Everson to accept the proclamation.*

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**050842**

**School Crossing Guard Appreciation Day - February 3, 2006 (B)**

**RECOMMENDATION**

*Gainesville Police Department Chief Norman B. Botsford and Police Service Technician Supervisor Ernestine Fletcher to accept the proclamation.*

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**050843**

**National Blood Donor Month - January 2006 (B)**

**RECOMMENDATION**

*LifeSouth Community Blood Centers Branch Manager  
Wendy Enting to accept the proclamation.*

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**PUBLIC HEARINGS****ADOPTION READING-ROLL CALL REQUIRED****050488****COMPREHENSIVE PLAN AMENDMENT - 309 NE 39TH AVENUE****Ordinance No. 0-06-06, Petition 145LUC-05PB**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Industrial" to "Commercial"; located in the vicinity of 309 Northeast 39th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: STAFF REPORT*

*The subject property is 1.25 acres and currently contains a vacant building set behind a parking lot.*

*The property to the north, east and west have a Commercial land use designation. The property to the south has an Industrial land use designation.*

*The subject property is entirely within the Secondary Zone of the Murphree Wellfield Protection Area.*

*Because the character of nearby properties is compatible and because the property is within a Wellfield Protection Zone, a Commercial land use is preferable for the subject property rather than the Industrial land use the property now has.*

*Public notice was published in the Gainesville Sun on October 4, 2005. Letters were mailed to surrounding property owners on October 5, 2005. The Plan Board held a public hearing October 20, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 145LUC-05 PB. Plan Board vote 4-0.*

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

**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: 1) approve Petition No. 145LUC-05PB; and 2) adopt the proposed ordinance.*

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## **ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

### **050489**

#### **ZONING MAP ATLAS - 309 NE 39TH AVENUE**

##### **Ordinance No. 0-06-07, Petition No. 146ZON-05PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from "I-1: Limited industrial district" to "BUS: General business district"; located in the vicinity of 309 Northeast 39th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*The subject property is 1.25 acres and currently contains a vacant building set behind a parking lot.*

*The property to the east and west is zoned BA (Business Automotive). The property to the south is zoned I-1 (Limited Industrial). Property to the north is zoned BA and BUS (General Business).*

*The subject property is entirely within the Secondary Zone of the Murphree Wellfield Protection Area.*

*Because the character of nearby properties is compatible and because the property is within a Wellfield Protection Zone, a BUS zoning is preferable for the subject property rather than the industrial zoning the property now has.*

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

*Public notice was published in the Gainesville Sun on October 4, 2005. Letters were mailed to surrounding property owners on October 6, 2005. The Plan Board held a public hearing October 20, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board*

*recommended that the City Commission approve Petition 146ZON-05 PB. Plan Board vote 4-0.*

*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: 1) approve Petition No. 146ZON-05PB; and 2) adopt the proposed ordinance.*

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**050652**

**URBAN SERVICES REPORT – DAUTEL (B)**

**Ordinance No. 0-06-26**

**An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an generally located south of the City limits, west of the vicinity of SW 34th Street and the City limits, north of the vicinity of SW 20th Avenue and east of SW 17th Street; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.**

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

*The report must generally include the following information:*

*1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed.*

*2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;*

*3) a statement setting forth the plans of the City for extending to the area*



to be annexed each major municipal service performed within the municipality at the time of annexation, including:

- a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.
- b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.
- c) if extensions of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.
- d) set forth the method under which the City plans to finance extension of services into the area to be annexed.

If adopted on first reading, this ordinance shall be heard on second reading on February 13, 2006. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

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

**Legislative History**

11/28/05    City Commission    Approved as Recommended (7 - 0)  
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**050786**

**URBAN SERVICES REPORT – BEVILLE 2 (B)**

**Ordinance No. 0-06-27**

**An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an generally located south of the City limits, west of SW 34th Street and the City limits, north of the City limits and east of Tax Parcel 06715-001-000; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.**

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

*The report must generally include the following information:*

1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed.

2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;

3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:

a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.

b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.

c) if extensions of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

d) set forth the method under which the City plans to finance extension of services into the area to be annexed.

*If adopted on first reading, this ordinance shall be heard on second reading on February 13, 2006. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.*

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

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

**050420**

**PUBLIC RECREATION BOARD NAME CHANGE (B)**

**Ordinance No. 0-06-19**

**An ordinance of the City of Gainesville, Florida, amending Article III,**

**Chapter 18, City of Gainesville Code of Ordinances, changing the name of the Public Recreation Board to the Public Recreation and Parks Board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At its meeting on December 12, 2005, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance changing the name of the Public Recreation Board to Public Recreation and Parks Board.*

*This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, January 23, 2006.*

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

**Legislative History**

9/26/05      City Commission    Approved as Recommended (6 - 0 - 1 Absent)  
12/12/05      City Commission    Approved as Recommended (5 - 0 - 2 Absent)  
1/9/06        City Commission    Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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**050530**

**BOOTING FEES FOR UNPAID PARKING TICKETS (B)**

**Ordinance No. 0-06-15**

**An ordinance of the City of Gainesville, Florida, amending section 26-53 of the Code of Ordinances, to assess an administrative fee for the costs associated with booting unpaid parking ticket violators; amending the Traffic and Motor Vehicle section of Appendix A, Schedule of Fees, Rates and Charges to specify an administrative fee for booting unpaid parking ticket violators; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date**

*Explanation: On October 24, 2005, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance amending Section 26-53 and Appendix A of the Gainesville Code of Ordinances to set a specific fee of \$25.00 for booting a vehicle in which violators have three or more unpaid parking tickets.*

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

**Legislative History**

10/24/05      City Commission    Approved as Recommended (7 - 0)  
1/9/06        City Commission    Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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**050801****APPENDIX A AMENDMENT (B)****Ordinance No. 0-06-20**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to fees; amending section (5), Traffic and Motor Vehicles, Appendix A; restoring the criminal justice assessment to a \$2 fee; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date.**

*Explanation: The City Commission, at its meeting of June 27, 2005, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to remove embedded fees from the text of the Code of Ordinances and place all fees in Appendix A. Additionally at the July 13, 2005 and August 15, 2005 budget workshops, the City Commission approved a fee increase of 5.0% and an ordinance was drafted and approved increasing all fees by 5%, rounded to the next quarter.*

*In that process, a statutorily allowed fee of \$2.00, for criminal justice education degree programs and training courses, was inadvertently increased by 5%. This ordinance restores the fee to the statutory maximum (\$2.00) and adds the statutory cross-reference for future use and reference. Since this action is merely corrective, this ordinance has an effective date of October 1, 2005.*

*This ordinance requires two readings. If approved on first reading the second and final reading will be January 23, 2006.*

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

**Legislative History**

1/9/06      City Commission    Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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**RESOLUTIONS- ROLL CALL REQUIRED****PLAN BOARD PETITIONS****050580****Vacate, Abandon and Close Street. (B)**

**Petition 124SVA-05 PB (Formal Quasi-Judicial Hearing) Hughes, Inc. Pursuant to Section 30-192(b) of the Gainesville Land Development Code, the petitioner has requested the City to vacate, abandon and close Northeast 23rd Place east of Northeast 5th Terrace to the east right-of-way line of Northeast 6th Street; and that portion of Northeast 6th Street, 50 feet north of the north right-of-way line of Northeast 23rd Place.**

*Explanation: The purpose of this request is to vacate a portion of right-of-way located north of the intersection of Northeast 23rd Avenue and Northeast 5th Terrace. A portion of Northeast 23rd Place would be vacated starting at the east right-of-way line of Northeast 5th Terrace and extending east to the east right-of-way line of Northeast 6th Street. A portion of Northeast 6th Street would also be vacated, starting at the north right-of-way line of Northeast 23rd Place and running north approximately 50 feet to the north property line of 2303 Northeast 6th Street. Both portions of right-of-way to be vacated are 50-foot wide. The section of Northeast 23rd Place is paved, while the Northeast 6th Street portion is unpaved. Upon vacation of the right-of-way, the land would revert back to the surrounding property from which the right-of-way was created. The right-of-way currently provides legal access, although no physical access exists except for access to the rear loading area and as an internal driveway to Hughes Supply, Inc., which owns the land surrounding most of the subject right-of-way.*

*A review of the layout for the area indicated that vacating the public right-of-way would eliminate access to a parcel of land not owned by the applicant. City staff had recommended that this property owner sign the application to vacate right-of-way so that all of the Northeast 6th Street right-of-way could be vacated up to the point of a previous street vacation (see attached map). That signature was never secured, so this proposal only involves vacating the right-of-way up to the property line owned by the petitioner. This would create a landlocked portion of right-of-way, as well as a landlocked parcel of land that is approximately 2.8 acres in size.*

*The adjacent property owner did not sign the application for vacation of right-of-way. As a result, this petition would leave a portion of leftover right-of-way adjacent to this property owner, creating a landlocked parcel of land. Both the Fire Department and the Public Works Department recommend denial because of the creation of a land-locked portion of right-of-way and emergency vehicle turnaround issues. This street vacation would foreclose a reasonably foreseeable transportation corridor in the area, making it inconsistent with Concurrency Management Policy 1.2.1 of the Comprehensive Plan. As a result, staff recommends denial of Petition 124SVA-05PB.*

*The Plan Board heard the petition and after discussion, voted 4-2 to recommend that the City Commission approve the request for a street vacation, with staff conditions.*

*Public notice was published in the Gainesville Sun on November 1, 2005. Letters were mailed to surrounding property owners on November 2, 2005. The Plan Board held a public hearing November 17, 2005.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 124SVA-05 PB, with staff conditions. Plan Board vote 4-2.*

*Staff to City Commission: The City Commission deny*

*Petition 124SVA-05 PB based on staff comments.*

*Alternative Recommendation A: The City Commission approve Petition 124SVA-05 PB, with staff conditions, including a referral from the City Commission to initiate a street vacation petition to vacate the remaining portion of the right-of-way of N.E. 6th Street.*

*Staff to Plan Board - Deny Petition 124SVA-05 PB.*

Legislative History

12/12/05 City Commission Continued (Petition)

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**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

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