

# City of Gainesville

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



## **Meeting Agenda**

**March 29, 2004**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

***Mayor Tom Bussing (At-Large)***

***Commissioner Warren Nielsen (At Large)***

***Commissioner Rick Bryant (At Large)***

***Mayor-Commissioner Pro Tem Chuck Chestnut (District 1)***

***Commissioner Ed Braddy (District 2)***

***Commissioner Tony Domenech (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 48 hours in advance.***

**CALL TO ORDER - 1:02 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.)"*

**ROLL CALL****INVOCATION****Reverend Kenneth Babin, First Lutheran Church of Gainesville**

*1801 NW 5th Avenue, Gainesville, FL 32603*

**CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS****031066                      Extension of the Cox Communications Franchise Agreement (NB)**

*Explanation: The City and County staffs have been actively negotiating with Cox Communications to reach an accord on a new franchise agreement for the operation of the cable television system. The current franchise was originally set to expire on September 30, 2003 and was extended by the City Commission for six months, through March 31, 2004. As the City and County staffs, and Cox representatives draw closer to an agreement, staff recommends that the City Commission extend the current franchise for an additional 30 days in order to finalize the details of the new franchise agreement and execute a written document.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission extend the current Cox Communications Franchise Agreement for 30 days.*

**031067                      Amendment to Personnel Policy: Policy 12 - Military Training (B)**

*Explanation: City of Gainesville Policy 12, Military Training, is amended to further extend the previously ratified supplement to an employee's military pay by an amount not to exceed the employee's regular base pay (i.e., no overtime, certification pay, educational incentive pay or special duty pay, etc.), for those employees called to active military duty. This amendment also extends the City health and basic life insurance coverage for employees called to active military duty at the same rates as for active employees. Both benefits expire April 1, 2005, unless renewed by Commission action.*

*Fiscal Note: Funds are currently budgeted for the Fiscal year 2003-2004 in the individual departments for General Government and GRU.*

**RECOMMENDATION**            *The City Commission approve the amendment to City of Gainesville Policy 12, Military Training.*

031067\_200403291300.pdf

### 031069

#### **Award of Financial Advisory Services Contract (B)**

*Explanation: The City retains a financial advisor to counsel staff and assist in various functions such as structuring an analysis of potential debt issues, selection of investment bankers, and monitoring the performance financing team members. The current contract for these financial advisory services expires at the end of March. A Request for Proposal was distributed on February 3, 2004 and three responses were received. Based on the results of the review of these responses, staff recommends award of the contract to Public Financial Management, Inc.*

*Fiscal Note: Funds for Financial Advisory Services are available in the Finance Department budget.*

**RECOMMENDATION**            *The City Commission authorize the City Manager or his designee to negotiate a contract for Financial Advisory Services with Public Financial Management, Inc. for a period of three years with the option of an additional three-year extension.*

031069\_200403291300.pdf

### 031070

#### **Change Order - SE 7th Avenue Reconstruction (B)**

*Explanation: This project consists of the reconstruction of SE 7th Avenue and SE 15th Drive (509 feet) cul-de-sac street immediately east of SE 15th Street. Additional funds are needed to reimburse the contractor for additional work due to various field changes and delays incurred from accommodating the requests of a contiguous property owner.*

*Fiscal Note: Funds are available in the Community Development Block Grant account for this project.*

**RECOMMENDATION**            *The City Commission: 1) approve the issuance of a Change Order to the purchase order for the John C.*

*Hipp Construction Company in the amount of \$12,111.33, thereby increasing the total amount of the purchase order to \$101,940.68; and 2) authorize the City Manager or designee to execute the Change Order.*

031070\_200403291300.pdf

**031071****North Central Florida Disaster Task Force Interlocal Agreement (B)**

*Explanation: The purpose of this Agreement is to protect the citizens of the region by establishing a disaster task force team that will respond, on request, to incidents that occur within North Central Florida. The Agreement designates Gainesville Fire Rescue (GFR) as a co-sponsoring organization with Alachua County Fire Rescue, Ocala Fire Department, and Marion County Fire Rescue. The purpose is to provide urban search and rescue type III team capabilities as defined in the Florida Association of Search and Rescue (FASAR) operational guidelines and practices. Utilizing resources available in each area, this regional team would jointly respond to disasters at the request of the State of Florida, under provisions of the Emergency Management Assistance Compact (EMAC), the Statewide Mutual Aid Agreement (SMAA), or the Federal Government, according to the Federal Response Plan.*

*Fiscal Note: The department will receive equipment, training, and utilize existing financial resources available within its current fiscal year operating budget.*

**RECOMMENDATION**

*The City Commission authorize the Mayor and Clerk of the Commission to execute the Interlocal Agreement for and on behalf of the City of Gainesville.*

031071a\_200403291300.pdf

031071b\_200403291300.pdf

031071c\_200403291300.pdf

**031072****House Bill 1477 (B)**

*Explanation: The Florida Department of Transportation in conjunction with the Strategic Intermodal System (SIS) initiative is proposing several amendments to state law regarding transportation funding allocations. Section 1 of HB 1477 amends section 206.608, Florida Statutes to delete the requirement that gas tax revenues transferred into the State Transportation Trust Fund must be "used only for projects in the adopted work program in the district in which the tax proceeds are collected and, to the maximum extent feasible, such moneys shall be programmed for use in the county where collected." This provision in the current law provides us some assurances that we are provided an equitable share of expenditures within the District 2 work program. Without this provision, there is no assurance that Alachua County will be provided an equitable share of transportation expenditures.*

*Section 3 amends section 339.08, Florida Statutes (j) as follows "To pay the*

*cost of county or municipal road projects selected in accordance with the Regional County Incentive Grant Program created in s.339.2817 and the Transportation Rural Initiative Program Small County Outreach created in s.339.2818." Whereas City of Gainesville projects such as Depot Avenue would be eligible under the County Incentive Grant Program, it most likely would not be eligible under the Regional Incentive Grant Program because that program focuses on "regionally significant" transportation facilities that are identified in "a regional transportation improvement program" in a "regional transportation area". These facilities are intended to be those identified in the SIS or provide connectivity to the SIS system. There are only two facilities proposed in the Gainesville Metropolitan Transportation Planning Organization's (MTPO) boundaries - access to the Airport via SR 331/SR 26 intersection north on Waldo Road to NE 39th Avenue to the airport entrance and the SR 26 to Main Street to SW 4 Avenue for access to the current Greyhound bus station.*

*The state's strategy for funding the SIS and providing incentives for regional significant projects will have a tremendous impact on the Gainesville MTPO funding allocations. The airport and the Greyhound bus station are identified as emerging facilities, which are not given priority in the SIS.*

*Fiscal Note: No fiscal impact for this requested action.*

**RECOMMENDATION**

*The City Commission authorize the Mayor to send a letter to legislative delegation to oppose HB 1477 as drafted.*

031072a\_200403291300.pdf

031072b\_200403291300.pdf

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**031083**

**HOUSING DISCRIMINATION COMPLAINTS HUD CASE NO. 04-04-0531-8/6 GEORGEANNA GAINES V. KENNEDY HOMES; HUD CASE NO. 04-04-0532-8/6 LAKESHA M. GRANT V. KENNEDY HOMES; HUD CASE NO. 04-04-0527-8/6 CORNELIA JONES V. KENNEDY HOMES; HUD CASE NO. 04-04-0529-8/6 LAURA L. MCCOOK V. KENNEDY HOMES; HUD CASE NO. 04-04-0525-8/6 MILTONIA MOORE V. KENNEDY HOMES; HUD CASE NO. 04-04-0535-8/6 ARLENE DANIELS V. KENNEDY HOMES; HUD CASE NO. 04-04-0538-8/6 ABRON DEMPS, SR. V. KENNEDY HOMES; HUD CASE NO. 04-04-0537-8/6 CARLOS DEMPS V. KENNEDY HOMES; HUD CASE NO. 04-04-0534-8/6 TASHAMA DOUGLAS V. KENNEDY HOMES; HUD CASE NO. 04-04-0539-8/6 NICHOLE D. FERGUSON V. KENNEDY HOMES; HUD CASE NO. 04-04-0536-8/6 GAIL JENKINS V. KENNEDY HOMES; HUD CASE NO. 04-04-0533-8/6 VALINE AYLOR V. KENNEDY HOMES; HUD CASE NO. 04-04-0544-8/6 SHAWN A. BRYANT V. KENNEDY HOMES; HUD CASE NO. 04-04-0543-8/6 MARY S. MOORE V. KENNEDY HOMES AND HUD CASE NO. 04-04-0545-8/6**

**FREDDIE MARIE WOODS V. KENNEDY HOMES (B)**

*Explanation: On March 12, 2004, the City of Gainesville received fifteen Housing Discrimination Complaints from the U.S. Department of Housing and Urban Development. Ms. Georgeanna Gaines, Ms. Lakesha M. Grant, Ms. Cornelia Jones, Ms. Laura L. McCook, Ms. Miltonia Moore, Ms. Arlene Daniels, Mr. Abron Demps, Sr., Mr. Carlos Demps, Ms. Tashama Douglas, Ms. Nichole D. Ferguson, Ms. Gail Jenkins, Ms. Valine Taylor, Mrs. Shawn A. Bryant, Ms. Mary S. Moore and Ms. Freddie Marie Woods, former or current residents of Kennedy Homes, allege that repairs were not made to their property due to their race. All Plaintiffs also allege that some type of conspiracy exists between the City and AIMCO in regard to code enforcement.*

*In addition to naming Kennedy Homes and AIMCO personnel, the complaints named the City Manager and Mayor. However, the City does not own, operate, or manage the property and has no responsibility to make repairs to Kennedy Homes, a privately owned property. Further, the City completed a full inspection of all the Kennedy Home units.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in Housing Discrimination Complaints HUD Case No. 04-04-0531-8/6 Georgeanna Gaines v. Kennedy Homes; HUD Case No. 04-04-0532-8/6 Lakesha M. Grant v. Kennedy Homes; HUD Case No. 04-04-0527-8/6 Cornelia Jones v. Kennedy Homes; HUD Case No. 04-04-0529-8/6 Laura L. McCook v. Kennedy Homes; HUD Case No. 04-04-0525-8/6 Miltonia Moore v. Kennedy Homes; HUD Case No. 04-04-0535-8/6 Arlene Daniels v. Kennedy Homes; HUD Case No. 04-04-0538-8/6 Abron Demps, Sr. v. Kennedy Homes; HUD Case No. 04-04-0537-8/6 Carlos Demps v. Kennedy Homes; HUD Case No. 04-04-0534-8/6 Tashama Douglas v. Kennedy Homes; HUD Case No. 04-04-0539-8/6 Nichole D. Ferguson v. Kennedy Homes; HUD Case No. 04-04-0536-8/6 Gail Jenkins v. Kennedy Homes; HUD Case No. 04-04-0533-8/6 Valine Taylor v. Kennedy Homes; HUD Case No. 04-04-0544-8/6 Shawn A. Bryant v. Kennedy Homes; HUD Case No. 04-04-0543-8/6 Mary S. Moore v. Kennedy Homes and HUD Case No. 04-04-0545-8/6 Freddie Marie Woods v. Kennedy Homes.*

031083\_200403291300.pdf

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

031025

City Commission Minutes (B)

**RECOMMENDATION**

*The City Commission approve the minutes of March 10, 2004 (Workshop), March 15, 2004 (Regular Meeting) and March 18, 2004 (Special Meeting); as circulated.*

**031078****Appointment Bruce M. Williams to Gainesville Housing Authority (NB)****RECOMMENDATION**

*The City Commission confirm the Mayor's appointment of Bruce M. Williams as Tenant Member to the Gainesville Housing Authority.*

031078\_Appointment.pdf

031078\_Appointment-Le.pdf

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC WORKS COMMITTEE, CONSENT****031075****Removal of Referrals from Public Works Committee (NB)**

*Explanation: The Public Works Committee requests the removal of referrals from its Active Referrals List. These referrals were reviewed at the Public Works Committee meeting on March 8, 2004. The Public Works Committee concluded the following:*

- 1. 030976 - NE 9th Avenue Traffic Calming. Public Works Department will implement a crosswalk and a speed table along NE 9th Avenue.*
- 2. 020828 - Hidden Lake Apartments Traffic Calming. In efforts to resolve the traffic calming issue at Hidden Lake Apartments, the Public Works Department installed appropriate signage and cross bars at the intersection of NW 19th Avenue and NW 9th Street.*
- 3. 002002 - Pedestrian Street Lighting. A presentation was made to the City Commission on March 24, 2003 to approve the plan for putting Renaissance Street Lighting fixtures throughout the entire Main Street project. The City Commission referred this matter to The Community Redevelopment Agency (CRA) for short term planning of funding to replace the current light fixtures with the Renaissance fixtures. The CRA budgeted funding for this referral in February 2004.*
- 4. 002305 - North 8th Avenue Resurfacing. There is no funding for this project.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission remove the referrals listed above from the Public Works Committee Active Referrals List.*

**PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****031074****Classification changes resulting from the job audits identified during the pay study update (B)**

*Explanation: Updating the market structure was the first step of many changes that need to be made in order to modernize our Human Resources systems. Another major task is to make sure that employees are in the correct classifications, and whenever possible, to reduce the number of regular job titles currently used (474), which have proliferated since the last comprehensive pay study. This was already completed with the Staff Assistant and Public Works series that were previously approved. This item includes a second grouping of positions that have been identified as high priority by Management, the Pay Study Team, and the CWA Interest Based Bargaining Team.*

*Incumbents in the old titles will be converted to the new job titles in accordance with their respective job duties and responsibilities. Pay increases for these individuals have been delayed pending completion of the work and approval of the new titles by the Personnel & Organizational Structure Committee and the City Commission. Upon approval, pay increases will be made retroactive to January 5, 2004, the same effective date as for other employees.*

*The Florida Board of Professional Engineers has recently begun to enforce a requirement that only engineers that have passed the Professional Engineer Licenses Examination may be called "engineers". Consequently, staff has developed a parallel series of titles to cover all graduate engineers, both those with and without State certification.*

*New Titles**Clerk**Account Clerk**Customer Service Representative I**Customer Service Representative II**Supervising Engineer / Supervising Utility Designer (GRU)**Utility Project / Team Leader (GRU)**Supervising Engineer / Project Team Leader (GG)**Principal Engineer / Principal Utility Designer (GRU)**Principal Engineer (GG)**Engineer IV / Utility Designer IV**Engineer III / Utility Designer III**Engineer II / Utility Designer II**Engineer I / Utility Designer I**Environment Resource Coordinator*



*The Personnel & Organizational Structure Committee will meet on Thursday, March 25, to consider this item.*

*Fiscal Note: Funds associated with converting employees from the former pay structure to the new pay structure have been budgeted in the operating budgets of General Government and GRU.*

**RECOMMENDATION**

*Staff is asking the Personnel & Organizational Structure Committee to recommend to the City Commission to approve these changes to the Occupational Index, effective January 5, 2004.*

031074\_200403291300.pdf

## **PUBLIC SAFETY COMMITTEE, CONSENT**

### **030986**

#### **Reichert House Building Construction Funding from Federal LECFTF (NB)**

*Explanation: The Reichert House, a collaborative effort by the Gainesville Police Department, the Black on Black Crime Task Force, the Corner Drug Store and the Gainesville Housing Authority was founded in 1987. A building dedication for the Reichert House's current location was held in 1996. Since that time, the program, established to provide an after-school mentoring program for at-risk teenage boys, has outgrown the facility located at 1724 S.E. 2nd Avenue. They currently serve over sixty youth in providing opportunities for young men to participate in community service projects and academic achievement programs.*

*The City and these partners have committed to improving the Reichert House program and have been seeking funds to begin construction of a new facility. Commitments to date have included: United Way-\$40,000; Phil Emmer Development- \$100,000; TANF Grant Award-up to \$100,000; and various community donations to the Black on Black Crime Task Force in the amount of \$55,000. Additionally, the Gainesville Housing Authority and the Department of Corrections have committed to donate labor for carpentry, plumbing, masonry and other site work as possible, and Joyner Construction is assisting with general contracting needs such as permits, construction coordination and soliciting donations from subcontractors with the help of the Alachua County Homebuilders Association.*

*The new building will provide for a 5,100 square foot, fully functioning facility to include a full service kitchen and dining hall, library, computer and tutoring labs, conference room and offices, small recreational area, a half basketball court and parking lot.*

*This request for funding from the Gainesville Police Department's Federal Law Enforcement Contraband Forfeiture Trust Fund will provide the necessary remaining funds needed for the anticipated construction costs of \$510,000.*

*Fiscal Note: Funds for this expenditure are available in the Federal Law Enforcement*

*Contraband Forfeiture Trust Fund, as allowable under Federal 21 U.S.C. § 881, found in the U.S. Department of Justice, "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$2,800,821.18, inclusive of items still pending.*

**RECOMMENDATION**

*The City Commission approve the appropriation and expenditure of \$150,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund to the Black on Black Crime Task Force for construction of the new Reichert House facility.*

**Legislative History**

3/18/04	Public Safety Committee	Recommended for Approval
---------	----------------------------	--------------------------

## COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

**031028**

**Contract with Housing Division for Model Block Services (B)**

*Explanation: As the Model Block project moves forward with its construction and resale stages, the project will require increased support from the City Housing Division. The Housing Division has been asked to provide support services for the four rehab projects, and new construction support services for the 5 new houses to be built. Housing has agreed to handle the process by which those interested in purchasing one of the houses will be pre-approved and referred to participating lenders.*

*These are key services that the CRA would need to find an outside source to provide. Staff recommends the CRA enter into an agreement for services with the Housing Division for a fee of \$20,000 to cover the services noted above. The City's Housing Division is primarily a grant funded Division and the fee would cover the cost associated with the services provided to the CRA.*

*Fiscal Note: The CRA has \$50,000 budgeted from TIF for the Model Block Program in MY 613-790-W509-5520.*

**RECOMMENDATION**

*The City Commission: 1) Authorize the Housing Division to enter into an agreement with the CRA and appropriate officials to execute the documents to provide services for the Model Block Program; 2) approve the CRA agreement with the Housing Division; and 3) authorize the Executive Director to execute the necessary documents.*

**Legislative History**

3/22/04	Community Redevelopment Agency	Approved as Recommended (6 - 0 - 1 Absent)
---------	--------------------------------------	--

MODELBLOCK.pdf  
031028\_200403291300.pdf

**031033 Return of the Fifth Avenue Arts Festival to Northwest 5th Avenue (NB)**

*Explanation: During the discussion of the Fifth Avenue Arts Festival, the Fifth Avenue Pleasant Street Redevelopment Advisory Board (FAPS) expressed their desire to have the festival return to the Northwest Fifth Avenue corridor. A representative from the Cultural Arts Coalition explained that a business person on the corridor did not want the festival on Northwest 5th Avenue. After discussion, the Board agreed that it would be beneficial to the entire district if the festival could access a larger portion of the 5th Avenue Corridor running from Northwest 3rd Street to Northwest 6th Street. The City Housing Division has completed several rehabs on Northwest 3rd Street that would be of interest to festival attendees. The new expanded location would be closer to the Model Block project. This would provide a showcase for improvements to the district that would be missed if the festival did not move towards Northwest 3rd Street.*

*Fiscal Note: None at this time*

**RECOMMENDATION**

*The City Commission support the Cultural Arts Coalition and the Advisory Board by allowing the Fifth Avenue Arts Festival to expand eastward on Northwest 5th Avenue, from 6th Street to 3rd Street.*

**Legislative History**

3/22/04	Community Redevelopment Agency	Approved as Recommended (6 - 0 - 1 Absent)
---------	--------------------------------------	--

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****031076 Request by Neighborhood Housing Development Corporation for Certification Letters for Ironwood North Subdivision (B)**

*Explanation:* Neighborhood Housing Development Corporation (NHDC) is proposing to develop a subdivision of new houses in the general price range of \$116,000 to \$141,000 in the vicinity of Northeast 15th Street, south of Northeast 53rd Avenue, in the Ironwood area. NHDC is seeking mortgage subsidy assistance for income-qualified households, from the Florida Housing Finance Corporation, and has requested various certifications from the City.

*Fiscal Note:* NHDC is not submitting any additional funding request to the City at this time.

**RECOMMENDATION**

Hear a presentation from NHDC about Ironwood North and authorize execution of the requested certifications.

031076\_200403291300.pdf

**031077 Residential Conservation (RC) Zoning Issues (B)**

*Explanation:* On January 12, 2004, the City Commission discussed the application of the landlord permit requirements to RC-zoned properties, and continued the item for further discussion. Originally, citizen Larry Hamilton, had approached the City Commission requesting that landlord license fees not have to be paid for properties zoned RC. Another citizen, Robert Pearce, has requested that the landlord permit requirements be amended to allow an additional unrelated tenant in 4-bedroom houses zoned RC (one more than allowed currently by the limit on unrelated tenants in the single-family and RC zones). Currently, the landlord permit requirements apply to all the single-family districts (RSF-1, -2, -3 and -4) and RC-zoned properties.

Community Development and Legal staffs have explored the options further. There appears to be no defensible basis for allowing one additional unrelated tenant in RC properties. Therefore, the options are 1) leave the regulations as they are, providing the same landlord restrictions on RC-zoned properties as on the single-family properties; 2) drop the landlord restrictions from RC properties; or 3) rezone the subject properties. Staff recommends leaving the restrictions as they are. If the City Commission wishes to pursue option 2 or 3, staff considers 2 preferable to 3.

*Fiscal Note: If landlord permits were not required in the RC zone, the City would realize a reduction in revenue of \$13,560.*

**RECOMMENDATION**

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

031077a\_200403291300.pdf

031077b\_200403291300.pdf

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PUBLIC WORKS COMMITTEE**

**031084 Savannah Grande Parking Issues (B)**

*Explanation: The Public Works Committee held a special meeting to resolve Savannah Grande parking issues on Monday, March 22, 2004. The Public Works Committee recommends resolving the Savannah Grande parking issues by relocating the City of Gainesville Employee parking to Lot 2, and selling Lot 19, which is located immediately north of Savannah Grande to the owner of Savannah Grande.*

*Fiscal Note: The minimum sale price for lot 19 is \$225,000.*

**RECOMMENDATION**

*The City Commission: 1) approve the City of Gainesville Employee parking relocation to Lot 2; and 2) approve the sale process for Lot 19 to the owner of Savannah Grande.*

031084\_200403291300.pdf

**PERSONNEL & ORGANIZATIONAL STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

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

**OUTSIDE AGENCIES**

**031037 Request for Expanded Codes Enforcement within the Eastside CRA District (NB)**

*Explanation: During their February Board meeting, the Eastside Redevelopment Board discussed the need for additional Code Enforcement during evenings and weekends. The Board discussed that there seems to be a noticeable increase in violations when Codes Enforcement is not expected. The Board expressed concern regarding vendors selling items like CD's and sneakers along the roadside and major car repairs taking place in neighborhoods during the weekend.*

*Code Enforcement indicates that most of its overtime budget goes towards evening neighborhood meetings, but that officers are assigned periodically to work weekends to enforce activities outside normal working hours.*

*Fiscal Note: To be determined*

**RECOMMENDATION**

*CRA to the City Commission: Recommend the City Commission explore greater code enforcement coverage for evening and weekend hours to address street vending and other code violations.*

**Legislative History**

3/22/04	Community Redevelopment Agency	Approved as Recommended (6 - 0 - 1 Absent)
---------	--------------------------------------	--

**MEMBERS OF THE CITY COMMISSION**

**031008 Commissioner Edward Braddy - Level of Service Discussion (NB)**

**RECOMMENDATION**

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

**031085 Mayor Thomas Bussing - North Central Florida Regional Coalition (B)**

**RECOMMENDATION**

*The City Commission hear remarks and take action deemed appropriate.*

031085\_200403291300.pdf

**031086 Mayor Tom Bussing - Utility Policies to Promote Residential**

**Grid-Connected Solar Electric Systems (NB)**RECOMMENDATION

*The City Commission hear remarks from Mayor Tom Bussing.*

**COMMISSION COMMENTS (if time available)****CITIZEN COMMENT (5:30pm)****COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)****Brownie Troop #364**

*Sandra Post-Johnson, Troop Leader*

**PROCLAMATIONS/SPECIAL RECOGNITIONS****031079****Bike Florida 'Springs Fever' Week 2004 - April 3-9, 2004 (B)**RECOMMENDATION

*Bike Florida Executive Director Greg Wilson to accept the proclamation.*

031079\_200403291300.pdf

**031080****National Fair Housing Month - April 2004 (B)**RECOMMENDATION

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

031080\_200403291300.pdf

**031081****Jazz Appreciation Month - April 2004 (B)**RECOMMENDATION

*Gainesville Friends of Jazz & Blues President Scott Koons to accept the proclamation.*

031081\_200403291300.pdf

**031082****Mu Epsilon Chapter Day - April 3, 2004 (B)**RECOMMENDATION

*Mu Epsilon Chapter of Zeta Phi Beta Sorority Member*

*Melvena Wilson to accept the proclamation.*

031082\_200403291300.pdf

## **PUBLIC HEARINGS**

### **ADOPTION READING-ROLL CALL REQUIRED**

**030757**

#### **LAND USE CHANGE - NORTH FLORIDA REGIONAL DOCTOR'S OFFICE PARK (B)**

##### **Ordinance No. 0-04-22, Petition 168LUC-03PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use category of certain properties recently annexed into the City from the Alachua County land use category of "Office/Medical" to the City of Gainesville land use category of "Office", located in the vicinity of NW 64th Terrace and NW 9th Boulevard and NW 11th Place, North Florida Regional Doctor's Office Park; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: STAFF REPORT*

*The subject properties are located on Northwest 11th Place, Northwest 9th Boulevard, and Northwest 64th Terrace in the North Florida Regional Doctor's Office Park, near North Florida Regional Medical Center. The properties proposed for the land use change are approximately 6.08 acres in size and composed of six tax parcels. All the parcels were recently annexed into city limits.*

*The current future land use category designation on these parcels is Alachua County Office/Medical. The existing zoning is Alachua County AP (Administrative/Professional); see related Petition 169LUC-03PB. The petition proposal is to change the Future Land Use category to City of Gainesville Office.*

*The parcels to the north of the subject properties have O (Office) land use designations consistent with the North Florida Regional Medical Center and other medical offices in the area. The parcels to the south, east, and west have a land use designation of Office (City) or Office/Medical (Alachua County). Most of the adjacent or abutting properties are already developed with medical office uses. Three of the annexed parcels are already developed. The remaining three are vacant.*

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

*Public notice was published in the Gainesville Sun on December 30, 2003. Letters were mailed to surrounding property owners on December 31, 2003. The Plan Board held a public hearing January 15, 2004. Planning Division*



*staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 168LUC-03 PB. Plan Board vote 5-0.*

*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 168LUC-03PB; and 2) adopt the proposed ordinance.*

030757\_No FI Reg Drs Land Use Chg.pdf

030757a\_200403291300.pdf

030757b\_200403291300.pdf

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

**030758**

**(QUASI-JUDICIAL) REZONING - NORTH FLORIDA REGIONAL DOCTOR'S OFFICE PARK (B)**

**Ordinance No. 0-04-23, Petition No. 169ZON-03PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property recently annexed into the City from the Alachua County zoning category of "AP, Administrative/ Professional" to the City of Gainesville zoning category of "MD: Medical services district"; located in the vicinity of NW 64th Terrace between NW 9th Boulevard and NW 11th Place, North Florida Regional Doctor's Office Park; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*The subject properties are located on Northwest 11th Place, Northwest 9th Boulevard, and Northwest 64th Terrace in the North Florida Regional Doctor's Office Park, near North Florida Regional Medical Center. The properties proposed for the land use change are approximately 6.08 acres in size and composed of six tax parcels. All the parcels were recently annexed into city limits.*

*The current Future Land Use category designation on these parcels is Alachua County Office/Medical. The existing zoning is Alachua County Administrative/Professional, see related Petition 169ZON-03PB. The petition proposal is to change the Future Land Use category to City of Gainesville Office.*

*The parcels to the north of the subject property have O (Office) land use designations consistent with the North Florida Regional Medical Center and other medical offices in the area. The parcels to the south, east, and west have a land use designation of Office (City) or Office/Medical (Alachua County). Most of the adjacent or abutting properties are already developed with medical office uses. Three of the annexed parcels are already developed. The remaining three are vacant.*

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

*Public notice was published in the Gainesville Sun on March 2, 1999. Letters were mailed to surrounding property owners on March 3, 1999. The Plan Board held a public hearing March 18, 1999. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 169ZON-03 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: 1) approve Petition No. 169ZON-03PB; and 2) adopt the proposed ordinance.*

03075804-12-04S.pdf

## **020461**

### **LAND DEVELOPMENT CODE AMENDMENT FOR STREET TREES, WETLANDS AND SURFACE WATER REQUIREMENTS (B)**

#### **Ordinance No. 0-03-70; Petition No. 95TCH-02PB**

**An ordinance of the City of Gainesville, Florida; amending the Land Development Code, Chapter 30, relating to requirements for street trees, wetlands and surface waters; amending section 30-23, Land Development Code, deleting the definition of wetlands designated, providing a definition for wetland function, and amending the definition of wetlands; amending section 30-251, Land Development Code, clarifying street plantings should be uniform, clarifying approval may be by a board; amending section 30-300, Land Development Code, repealing obsolete definitions; amending section 30-301, Land Development Code, clarifying regulated surface waters and wetlands; amending section 30-302, Land Development Code, amending, clarifying and updating general requirements and procedures**

regarding surface waters, wetlands and buffers; creating section 30-302.1, Land Development Code, specifying criteria and conditions for the avoidance of loss or degradation of wetlands; amending section 30-303, Land Development Code, amending criteria and requirements for special permits for certain single family lots; amending section 30-304, Land Development Code, amending, conforming, and updating exemptions of the provisions of the surface waters and wetlands sections of the Code; amending section 30-311, Land Development Code, amending penalties for violations of the provisions of the surface waters and wetlands section of this Code to include City Manager authority to revoke a permit or issue a cease and desist order under certain conditions; amending the Gainesville Tree List, Land Development Code, conforming change to clarify street plantings should be uniform; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT*

*The Conservation, Open Space and Groundwater Recharge Element of the updated and adopted City of Gainesville 2000-2010 Comprehensive Plan made changes regarding City regulation of wetlands and surface waters. The Comprehensive Plan changes include changes in buffer requirements for lakes, establishment of minimum buffer requirements for wetlands, and establishment of various policies with respect to offsite mitigation for wetlands that may be impacted by development. With respect to wetland mitigation, the adopted Comprehensive Plan has changed from a 'no net loss of wetland acreage and function on the subject property' policy to one in which mitigation, in those cases where it could be approved after meeting numerous applicable local and state regulatory requirements, including a public interest test, may occur off-site, and must be within the same sub-basin and basin unless it is demonstrated that the mitigation outside the sub-basin is more appropriate.*

*Most of the proposed revisions to the wetlands and surface waters regulations were initially developed by the Ad Hoc Committee on Wetland and Creek Regulations and presented to the City Commission on June 3, 2002. The updated land development regulations, if approved, will implement the many new or substantially revised Comprehensive Plan policies regarding wetlands, several revised policies regarding creeks and lakes, and one revised policy regarding street trees. The proposed regulations end the general exemption for stormwater management facilities, and establish requirements that stormwater management facilities must meet before they can be exempted from the minimum buffer requirements for wetlands. Another proposed revision is to include creeks and lakes that are not currently delineated on the map entitled "Surface Waters and Wetlands District." Revisions also have been made to several definitions.*

*The City Plan Board heard the petition on June 19, 2003 and recommended that it be approved. In response to concerns expressed at the Plan Board meeting, staff is proposing the following additional revisions to the regulations: require that the regulations will apply to all creeks and lakes per statutory definition of waters in the state; and revise to allow for wetland buffer encroachment with non-contiguous increase in buffer distance. Other post-Plan Board revisions*

are recommended following input from legal staff, particularly with respect to limited changes to the financial assurance provisions and to the violations, enforcement and penalty provisions, which have been expanded.

*Additional post-Plan Board revisions include: changes regarding delineation of creeks, lakes and wetlands, and providing for annexed creeks, lakes and wetlands to be subject to the City's wetland and surface waters regulations; requirement that wetlands and wetland buffers not be included in lots platted (except for lots created by lot splits or minor subdivisions) after the effective date of the new regulations; specification that impervious surfaces and placement of sod are generally not allowed in buffers; requirement for removal of noxious weeds and retention or installation of native vegetation in buffers; deletion of proposed mitigation ratios because they have been obviated by a new statewide rule; minor revision to basis for deviation from order of mitigation preference; change in mitigation monitoring report frequency from 6 months to 12 months; specification that mitigation reporting to and review by the Water Management District is acceptable in lieu of review by the City; revised surface waters and wetland exemptions for public works and utilities projects to make it clear that such projects are not exempt from first avoiding wetland impacts and then minimizing unavoidable impacts; replaced required City public works and County environmental departmental approvals of vegetation reestablishment plans with approval by City Manager or designee; and, deleted the exemption for backyards of single-family residences within 150 feet of a lake or wetland.*

*Public notice was published in the Gainesville Sun on June 3, 2003. Plan Board held a public hearing on June 19, 2003. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 95TCH-02 PB. Plan Board vote 5-0.*

**CITY ATTORNEY MEMORANDUM**

*The City Commission at its March 15, 2004 meeting approved Petition 95TCH-02 PB, and authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance relating to street trees, wetlands and surface waters.*

*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, April 12, 2004.*

**Fiscal Note:** None

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

3/15/04 City Commission Approved (Petition) (5 - 2)

020461a\_200403151300.pdf  
020461b\_200403151300.pdf  
020461c\_200403151300.pdf  
020461d\_200403151300.pdf  
020461e\_200403151300.pdf  
020461f\_200403151300.pdf  
020461g\_200403151300.pdf  
020461h\_200403151300.pdf  
020461i\_200403151300.pdf  
020461j\_200403151300.pdf  
020461k\_200403151300.pdf  
020461\_Land Development Code Amend\_1st.pdf  
02046104-12-04S.pdf

### 030760

#### COLLEGE PARK SPECIAL AREA PLAN (B)

##### **Ordinance No. 0-04-24; Petition 17ITCH-03 PB**

**An ordinance of the City of Gainesville, Florida, amending Appendix A of the Land Development Code, relating to the College Park Master Plan; increasing the building height from 4 stories to 5 stories for Type I buildings; establishing a maximum numerical height limit for each building type; providing a provision for row house lots; prohibiting specified encroachments into the right-of-way; incorporating required compliance for expansions, renovations, and repairs; removing inconsistencies in the Plan; making minor changes to the Plan for clarification; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT*

*The proposed amendments to the College Park Special Area Plan are a compilation of staff changes and modifications recommended by the Chamber Code Review Committee. The amendments remove inconsistencies and unnecessary language, and correct glitches that were discovered in the Plan. The most significant changes include: establishing when expansions, renovations and repairs must comply with new construction requirements; increasing the building height from 4 stories to 5 stories for Type I buildings; establishing a maximum numerical height limit for each building type; providing a provision for row house lots; and prohibiting some encroachments into the right-of-way.*

*The Plan Board heard the petition and recommended that it be approved with the following modifications:*

- 1. Leave Landscape Standards as original language ("Three trees including at least two shade trees are required for every 1,200 square feet of private outdoor space on the lot.");*
- 2. Amend Architectural Regulations for New Construction/Building Walls/Configurations to allow two or more materials to be combined on one façade either horizontally or vertically or when used for balconies, porches and by window projections; and,*
- 3. Amend Architectural Regulations for New Construction/Roofs to clarify*

language but still continue to provide that skylights shall be non-bubble.

Public notice was published in the Gainesville Sun on December 30, 2003. The Plan Board held a public hearing January 15, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 171TCH-03 PB. Plan Board vote 3-1.

*CITY ATTORNEY MEMORANDUM*

*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, April 12, 2004.*

**RECOMMENDATION**

*The City Commission (1) approve Petition 171TCH-03 PB and (2) adopt the proposed ordinance.*

**030913**

**DEVELOPMENT REVIEW PROCESS - AFFORDABLE HOUSING  
CONCEPT REVIEW AND APPROVAL (B)**

**Ordinance No. 0-04-28; Petition 26TCH-04 PB**

**An Ordinance of the City of Gainesville, Florida; amending subsection 30-160(b) of Article VII, Chapter 30, the Land Development Code, regarding the development review process; providing for conceptual review approval for affordable housing developments; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT*

*The State of Florida created the State Housing Tax Credit Program for the purposes of stimulating creative private sector initiatives to increase the supply of affordable housing in urban areas, including specifically, housing for the elderly, and to provide associated commercial facilities associated with such housing facilities. As part of the program, the private sector development entity is required to submit a competitive application to qualify for tax credits. The awarding process is a point system that allocates points on the basis of the local government support for the project and the development consistency with the local government Comprehensive Plan. One way that some local communities show support for a project is to grant that project some type of approval. While the City has a process that allows for preliminary development plan approval, affordable housing providers have approached the City and requested that the City develop a less costly procedure for affordable housing developments.*

*In order to assist the affordable housing developers with the application process for the tax credit program, staff recommends the City establish an Affordable Housing Conceptual Approval Process (see attachment). The concept review process would be encouraged-not required-for all certified affordable housing development. Affordable housing concept review would be intended solely to assist affordable housing developers with meeting the application requirements for the State of Florida Housing Tax Credit program,*

*in support of the State Housing Strategy as promulgated in F.S. Section 420. The review will alert an applicant to problems with, or objections to, a particular proposed development. Concept plans must address conformity with the comprehensive plan, zoning, environment concerns and concurrency. The appropriate reviewing board may grant a non-binding conceptual approval. The conceptual approval would not grant to the applicant any development rights and does not represent a development order. The conceptual approval is only an indication that the development proposal appears to be consistent with general requirements for development approval and that a development order will only be granted after the requirements for a final development plan have been met.*

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

*Public notice was published in the Gainesville Sun on February 3, 2004. The Plan Board held a public hearing February 26, 2004, which was a continuation of the recessed meeting of February 19, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 26TCH-04 PB. Plan Board vote 5-0.*

*CITY ATTORNEY MEMORANDUM*

*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, April 12, 2004.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission (1) approve Petition 26TCH-04 PB and (2) adopt the proposed ordinance.*

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

### **001261**

#### **LOCAL PREFERENCE POLICY (B)**

##### **Ordinance No. 0-04-26**

**An ordinance of the City of Gainesville, Florida, creating Article X of Chapter 2 of the Code of Ordinances of the City of Gainesville relating to local preference in purchasing, making findings, providing for definitions, preference and exceptions, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a prospective effective date and sunset provisions.**

*Explanation: On February 9, 2004, the City Commission adopted the Personnel and Organizational Committee's recommendation that the City Attorney prepare and the Clerk of the Commission advertise an Ordinance providing for a preference to local businesses when the City purchases certain supplies, materials, equipment and services. A section-by-section discussion of the*

*proposed ordinance follows.*

*Section 1 contains the requisite findings describing the basis for the limited preference.*

*Section 2 describes the amount and operation of preference, in both invitation to bid and request for proposal situations. Management's presentation will provide examples.*

*Section 3 describes the purchases to which the preference will not apply. Section 3 provides for a case-by-case waiver (non-application) of the preference on purchases to which it would otherwise be applied, when such is justified by the purchasing authority (Charter Officer). Finally, Section 3 acknowledges that factors other than the local preference can ultimately control the purchase.*

*Section 4 limits the preference to a business with a pre-existing occupational license with, and physical location within, the City.*

*Sections 5 and 9 provide that the preference will begin to apply six months after the ordinance is adopted and expire 18 months later, absent further action by the City Commission.*

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

**Legislative History**

4/23/01	City Commission	Referred (5 - 0)	Personnel and Organizational Structure Committee
5/20/03	Personnel and Organizational Structure Committee	Discussed	
6/26/03	Personnel and Organizational Structure Committee	Discussed	
7/24/03	Personnel and Organizational Structure Committee	Discussed	
1/22/04	Personnel and Organizational Structure Committee	Approved as Recommended	
2/9/04	City Commission	Approved as Recommended (7 - 0)	
3/15/04	City Commission	Adopted on First Reading (Ordinance) (7 - 0)	

001261\_Local\_Preference\_Policy.pdf

001261\_Local Preference Policy\_2F.pdf



**Ordinance No. 0-04-21, Petition 127SVA-03PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way known as S.W. 7th Terrace located south of S.W. 5th Avenue, adjacent to and east of tax parcel no. 13432-000-000 and starting at a point on the south right-of-way line of S.W. 5th Avenue, extending south to the southeast corner of tax parcel no. 13432-000-000; reserving a public utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF REPORT*

*The City of Gainesville needed to acquire properties to add to the lands it currently owned in order to construct the 5th Avenue stormwater basin. The basin would be constructed in the area west of Southwest 6th Street and located south of Southwest 5th Avenue and between Southwest 7th Terrace and Southwest 6th Street (see attached map). The City owned all properties in the area except for three parcels. Tax Parcel 13434 was owned and occupied by a church, Compassionate Outreach Ministries (located south of Southwest 5th Avenue and bordered on the west by Southwest 7th Terrace). The church also owned Tax Parcel 13408 and used the property as parking for the church patrons (located south of and bordered by Southwest 5th Avenue and east of Southwest 7th Terrace. The third property, Tax Parcel 13431, was owned by James M. Gill (located south on Southwest 5th Avenue and west of the church property). This property was not the homestead of Mr. Gill. Southwest 7th Terrace bisected the city owned property and that owned by the church. The street was paved from Southwest 5th Avenue to the southerly border of the church's property (Tax Parcel 13432) and served only as access to the church's parking lot.*

*The Public Works Department negotiated with the church and Mr. Gill reached mutual agreements. The City purchased Tax Parcel 13431 from Mr. Gill, demolished an existing house, and constructed an asphalt parking lot on this property, and conveyed that property to the church. The City also agreed to repair the church's existing parking lot located south of the church building. In exchange, the church agreed to convey Tax Parcel 13408 to the City. Since Southwest 7th Terrace is only used to serve as access to the church's parking lot, the City also agreed to vacating the public interest in Southwest 7th Terrace from a point south of Southwest 5th Avenue to the southeastern corner of Tax Parcel 13432, retaining an overall utility easement. This matter was presented to and approved by the City Commission on April 14, 2003 (File No. 021059).*

*The Plan Board heard the petition and recommended that the City Commission approve this petition.*

*Public notice was published in the Gainesville Sun on December 30, 2003. Letters were mailed to surrounding property owners December 31, 2003. The Plan Board held a public hearing January 15, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 127SVA-03 PB. Plan*

Board vote 6-0.

*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**

3/15/04            City Commission            Approved (Petition) and Adopted on First Reading  
(Ordinance) (7 - 0)

030622\_Street\_Vacation.pdf

030622\_Street Vacation\_2F.pdf

**RESOLUTIONS- ROLL CALL REQUIRED**

**PLAN BOARD PETITIONS**

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**031073**

**Appeal of Historic Preservation Board action regarding petition for approval of a six-foot aluminum fence in the front yard at 206 N.E. 2nd Avenue. (B)**

*Explanation: Art Boulanger has appealed the Historic Preservation Board's modified approval of his request for a Certificate of Appropriateness (COA) for the installation of a fence in the front yard at 206 N.E. Second Avenue. The property is located in the Northeast Historic District.*

*The petitioner requested a six-foot aluminum fence in the front, side and rear yards. The petitioner also requested a six-foot aluminum gate in an arched opening of a garden wall and an extension of the garden wall to connect to the residence. This will create a courtyard and a private area in the yard.*

*The petition was submitted to staff and the Historic Preservation Board. Staff recommended approval of the COA with the condition of reducing the height of the fence in the front yard to four feet, based on the City's Historic Preservation Design Standards. The Board approved the COA for a six-foot fence in the rear and side yard, a six-foot gate and extension of a garden wall, and staff's recommendation that the front fence be four-foot.*

*Section 30-112 of the Land Development Code requires that any appeal of a decision of the Historic Preservation Board "be heard by the City Commission at its next regular meeting". Mr. Boulanger has notified staff that he will not be*

*available to attend the City Commission meeting on March 29, 2004.*

**RECOMMENDATION**

*The City Commission continue the item until the April 12, 2004 meeting due to the unavailability of the petitioner on March 29, 2004.*

031073a\_200403291300.pdf

031073b\_200403291300.pdf

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT**

**ADJOURNMENT - 9:15 PM**