

City of Gainesville

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



Meeting Agenda

May 09, 2005

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER - 1:02 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. Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.)"

ROLL CALL

INVOCATION

Reverend Clifford Patrick, Bartley Temple United Methodist Church

630 NW 2nd Street, Gainesville, FL 32601

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

041245

Gainesville Police Explorer Funding for State Competitions from State LECFTF (NB)

Explanation: Gainesville Police Explorer Post 917 has had a successful program for youth between the ages of 14-20 for the past twenty-six years. The Post currently has 30 members and a waiting list. The Post assists the Department in numerous special events throughout the year, including parking assistance at the Downtown Arts Festivals, 5th Avenue Arts Festival, and the Hogtowne Medieval Fair. They provide numerous hours of volunteer service per month.

In appreciation for the Explorer's service to our City and Department, and as a challenge with other law enforcement Explorer Posts, the Department would like to offer the Post an opportunity to attend a State competition. The Post has collected corporate sponsorship donations this year, as they have in past years. Total cost for the State competition in Orlando, Florida is approximately \$3,500. This request for \$1,500 will cover the remaining needed costs for this worthy event.

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

Contraband Forfeiture Trust Fund, and is an allowable expense. The balance in the account is \$28,376.89.

RECOMMENDATION

The City Commission approve the appropriation and expenditure of an amount not to exceed \$1,500 from the State Law Enforcement Contraband Forfeiture Trust Fund for travel expenses for Police Explorer Post 917.

041253

PEG Capital Funding to Santa Fe Community College (B)

Explanation: Santa Fe Community College (SFCC) has requested funding from the City and the County for equipment upgrades to continue broadcasting certain courses on the City's and the County's educational channel, Cox Cable Channel 6. Santa Fe broadcasts six hours of coursework during the week. These courses - Portrait of a Family; Physical Geology; and Introduction to Astronomy - are of general interest to all citizens. In addition, Santa Fe uses the equipment in its broadcasting classes, which are open to anyone registered at SFCC. Staff has reviewed the request and recommends funding from the PEG capital funding obtained by the City in its most recent franchise negotiations with Cox Communications.

Fiscal Note: The original funding request submitted on February 27, 2003 totaled \$50,518.57. At the request of staff, the proposal was updated in October 2004 to reflect current equipment pricing for a total cost of \$39,433. The City's share based on the funding distribution outlined in the franchise agreements is 63.7% or \$25,120. The funds are available in the Cox Communications capital grant fund.

RECOMMENDATION

The City Commission authorize staff to provide \$25,120 to Santa Fe Community College for equipment purchases from PEG capital funding received through the City's franchise agreement with Cox Communications.

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041255

Amendment to Gainesville Enterprise Zone Development Agency Bylaws (B)

Explanation: On April 10, 1995, the Gainesville City Commission adopted Ordinance Number 0-95-20 (4069), creating the Gainesville Enterprise Zone Development Agency (GEZDA). Section 2-303 of the Ordinance indicates that, "the Agency shall formulate and may amend its own rules of procedure and written bylaws. Such rules and bylaws, and amendments thereto, shall not be effective until approved by the City Commission." Subsequent to this Ordinance, GEZDA Agency bylaws were approved by the City Commission on October 23, 1995.

Since that time, records indicate that GEZDA bylaws have been amended on two separate occasions; December 18, 1996 and February 5, 1997. On April 13, 2005, at the request of staff, GEZDA voted to amend its bylaws for a third time. This amendment is an attempt to clarify issues including: 1) reflecting that Agency members meet every other month rather than every month (six times per year); 2) clarifies the procedure for removal from the Agency as being failure to attend four consecutive or two-thirds percent unexcused meetings for a twelve month period; and 3) acknowledgement that the administrative agent for GEZDA is the Economic Development Director or designee rather than the Business and Industry Development Manager.

The quorum vote to amend the GEZDA bylaws in the previously mentioned manner and was approved unanimously at the April 13, 2005 GEZDA Board meeting.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission approve the modifications to the Gainesville Enterprise Zone Development Agency (GEZDA) bylaws.

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041256

FY 2004-05 Community Development Block Grant Allocation for the Eastside Service-Learning Project to Serve the Homeless and Other Medically Underserved Residents (NB)

Explanation: On August 2, 2004, the City Commission approved the allocation of \$7,000 in Community Development Block Grant (CDBG) funds in the FY 2004-05 budget for the Eastside Service-Learning Project to be administered by the University of Florida Programs for Interdisciplinary Education. The City subsequently entered into a subrecipient agreement (contract) with the University of Florida Programs for Interdisciplinary Education to initiate this project.

In February, however, the University of Florida decided that it could not accept the conditions of the contract with the City, because of liability concerns. The University of Florida's decision left this project without a responsible entity to administer it. A suitable project sponsor, the Alachua County Medical Society Foundation, Inc., has recently agreed to take over this project as an extension of its We Care Program.

It is proposed that the current contract with the University of Florida Programs for Interdisciplinary Education be cancelled and the original project, including the \$7,000 CDBG allocation, be assigned to the Alachua County Medical Society Foundation, Inc. The project would continue to support efforts to provide medical and dental care for the homeless and medically underserved residents of Gainesville.

Fiscal Note: \$7,000 in CDBG funds is budgeted in the current fiscal year for this project.

RECOMMENDATION

The City Commission: 1) approve the reallocation of

\$7,000 in FY 2004-05 Community Development Block Grant funds from the University of Florida Programs for Interdisciplinary Education to the Alachua County Medical Society Foundation, Inc.; and 2) authorize the Interim City Manager to execute a subrecipient agreement with the Alachua County Medical Society Foundation, Inc. for the Eastside Service-Learning Project.

041257**Ratification of Agreement between the Florida State Lodge, Fraternal Order of Police and the City of Gainesville for the period October 1, 2004, through September 30, 2007. (NB)**

Explanation: This Agreement has been reached through negotiations between the Florida State Lodge, Fraternal Order of Police and the City of Gainesville and was ratified by the Florida State Lodge, Fraternal Order of Police bargaining unit on April 28, 2005. This Agreement extends the current collective bargaining agreement through September 30, 2007. A copy of the Agreement is on file with the Clerk of the Commission. After May 11, 2005, the Agreement will be on file in the Human Resources Department.

Fiscal Note: Funds are currently budgeted for the Fiscal Year 2004-2005. The costs for the Fiscal Years 2005-2006 and 2006-2007 will be addressed in the budget preparation process for those years.

RECOMMENDATION

The City Commission ratify the Agreement for the Florida State Lodge, Fraternal Order of Police extending the period of coverage through September 30, 2007, between the City of Gainesville and the Florida State Lodge, Fraternal Order of Police.

041266**Bid Award - Rail Trail Downtown Connector Construction (B)**

Explanation: The Downtown Connector is the northerly extension of the Hawthorne Rail Trail that currently ends at Boulware Springs Park. The Downtown Connector will bring the paved trail to a location just east of the Depot Park Trail Spur. The 6th Street Rail Trail will ultimately continue this trail across S. Main Street, north to NW 23rd Avenue.

On April 19, 2005, the Purchasing Division solicited bids from 486 prospective bidders. There were 17 plan holders. Three (3) responses were received. O'Steen Brothers, Inc., of Gainesville, Florida, submitted the lowest responsive bid of \$644,752.55.

The budget for the Trail was originally developed in 1997 in conjunction with the Transportation Enhancement Project application submitted to the Florida

Department of Transportation (FDOT). Under a Local Assistance Program agreement with the FDOT, the City will be reimbursed \$490,000. The City appropriated \$480,000 for this project in the 2002 First Florida Governmental Financing Commission (FFGFC) Bond Series. In addition \$655,000 was allocated for the 6th Street Rail Corridor. An additional \$412,729 remains in the CSX 6th Street Project account from the 1996 Series FFGFC. Approximately \$271,310 has been expended for right-of-way acquisition costs which will be reimbursed to the City upon the State's acquisition of the 6th Street Rail corridor.

Fiscal Note: Funds are available in the Rails-to-Trails capital accounts in Fund 328.

RECOMMENDATION

The City Commission: 1) award the contract for the construction of the Downtown Connector Rail Trail to O'Steen Brothers, Inc.; 2) authorize the Interim City Manager or designee to execute the contract, subject to approval of the City Attorney as to form and legality; 3) authorize the use of up to \$300,000 from the 6th Street Corridor Rail Trail Project for the Downtown Connector Rail Trail Project construction; and 4) authorize the issuance of a purchase order to O'Steen Brothers, Inc., in the amount of \$644,752.55.

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041269

Lenox Place - Emergency work authorization for Headwall Repair (NB)

Explanation: On April 29, 2005, the Public Works Department, on the authority of Interim Public Works Director Stewart E. Pearson, P.E., issued an emergency declaration for the Lenox Place - Headwall Repair. An email sent to Interim Assistant City Manager Teresa Scott relayed the following: Discussion with Ed Culpepper concluded that the roadway supported by the culvert is compromised due to loss of fill and headwall damage caused by the hurricanes. Rainfall events since that time have continued to erode the remaining backfill supporting the road over the culvert. Barricades are diverting traffic around the unsound area of the road. Staff's collective judgment is that the continuing rain events are contributing to further compromise of the roadway. Embankment loss is damaging to the ecosystem of the creek. Delaying the repairs by going through the usual purchasing process of three additional months seems unreasonable considering the potential for catastrophic consequences. Complete roadway failure will prevent access to several residences.

Under the authority of the Interim City Manager, staff waived the purchasing procedures and is proceeding with the above-mentioned emergency repairs beginning the week of May 2, 2005.

Public Works staff developed a scope of work and cost for these repairs with a Florida Department of Environmental Protection pre-qualified contractor.

Fiscal Note: Funds for the work are from the National Resources Conservation Service and the Lenox Place Owner's Association.

RECOMMENDATION

The City Commission: 1) approve the suspension of purchasing procedures for this emergency action issued by the Public Works Department on April 29, 2005; and 2) authorize the Interim City Manager's issuance of a purchase order not to exceed \$100,000 to J.W. Boyd Co., Inc., for the emergency headwall repairs in Lenox Place.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**041263****Reimbursement for Oversizing of Water and Wastewater Facilities at Cabana (NB)**

Explanation: Cabana is a multi-family development located in the 6200 block of SW 20th Avenue (south side of roadway). A wastewater gravity collection system, pump station and force main must be constructed to provide wastewater service for the project. The pump station and force main will connect to an existing 16" force main located in the southern right-of-way of SW 20th Avenue. Cabana must also construct a potable water distribution system to serve the development with domestic water.

In order to properly serve future parcels that are currently undeveloped and to minimize future lift stations, oversizing of the pump station wetwell and deepening the gravity collection system is required. For the same reason, water and wastewater stubouts to the property line are being made. Additionally, the force main is being oversized to increase wastewater system capacity and reliability. The Developer's Engineer has accommodated this in the development design. GRU's incremental cost to oversize the force main, deepen the gravity sewer, and stubout wastewater service is \$70,000. GRU's cost is \$6,000 to provide the water stubout.

The recommended amount of \$76,000 includes all construction labor and materials associated with the water and wastewater system oversizing to satisfactorily complete the work.

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

RECOMMENDATION

The City Commission authorize reimbursement for the oversizing of water and wastewater facilities at Cabana in the amount of \$76,000.00.

041264**Reimbursement for Oversizing of Water and Wastewater Facilities at Fletcher Park (NB)**

Explanation: Fletcher Park is a single family residential development located in the 300 block of SW 122nd Street (east side of roadway). A wastewater gravity collection system, pump station and force main must be constructed to provide wastewater service for the project. The pump station and force main will connect to an existing 16" force main located at the intersection of SW 8th Avenue and SW 122nd Street. Fletcher Park must also construct a potable water distribution system to serve the development with domestic water.

In order to properly serve future parcels that are currently undeveloped,

oversizing of the pump station wetwell is required. For the same reason, one water and one wastewater stubout to the property line is also needed. Additionally to improve the capacity and reliability of GRU's force main on Newberry Road, the Fletcher Park force main is being oversized. The Developer's Engineer has accommodated this in the development design. GRU's costs are limited to an incremental cost difference of \$37,000 to oversize the force main and wetwell and \$4,000 to construct the stubouts.

The recommended amount of \$41,000.00 includes all construction labor and materials associated with the water and wastewater system oversizing to satisfactorily complete the work.

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

RECOMMENDATION

The City Commission authorize reimbursement for the oversizing of water and wastewater facilities at Fletcher Park in the amount of \$41,000.00.

CITY ATTORNEY, CONSENT AGENDA ITEMS

030126

STORMWATER REGULATIONS (B)

Explanation: On July 14, 2003, in response to the discovery of stormwater management issues at the Sorrento development, the City Commission discussed the stormwater management language as stated in the Land Development Code. Following the discussion, the Commission adopted a staff recommendation that the City Attorney work with the Public Works Department staff to amend subsection 30-311(a) of the Code to better enable the City's enforcement efforts in the area of stormwater management. The matter was referred to the City Attorney's office (item 030126). Following the referral, the matter was placed in abeyance pending staff completion of amendments to the wetlands regulations, including amendments to subsection 30-311(b) of the Land Development Code, relevant to surface waters and wetlands enforcement. (The wetlands regulations passed the Commission on April 12, 2004.)

Public Works Department staff, Community Development Department staff, and the City Attorney's office have drafted proposed amendments to the current stormwater management ordinance (subsection 30-311(a) of the Land Development Code) to allow for greater options for enforcement by the City. Much like the current wetland enforcement regulations, the proposed enforcement options would provide for increasing corrective measures that could be taken by the City Manager or designee depending on the severity and imminence of the violation. Corrective measures could any include any or all of the following: issuance of a notice of violation; issuance of a cease and desist order; entering into a consent agreement; or seeking injunctive relief.

This proposed amendment to the Land Development Code would next be filed as

a petition to the Plan Board.

RECOMMENDATION

The City Commission (1) refer the draft amendment to the stormwater regulations, Chapter 30, City of Gainesville Land Development Code, to the Plan Board for consideration as a petition and, (2) remove this item from the City Attorney's referral list.

Legislative History

6/23/03	City Commission	Referred (6 - 1)	City Manager
7/14/03	City Commission	Referred (7 - 0)	City Attorney

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

041265

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of April 25, 2005 (Regular Meeting) and May 2, 2005 (Special Meeting); as circulated.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

040174

Economic Development Peer City Report: Part I - City of Gainesville/North Carolina Peer Cities (B)

Explanation: On August 23, 2004, the City Commission adopted a Strategic Action Plan for Economic Development. The Plan is an attempt to chart a future course for the City regarding Economic Development efforts and evolves out of the following

events: 1) the convening of the Mayor's Transition teams, principally the Business Friendliness/Economic Development team; 2) the request from the City Commission for staff to develop a Peer City and Benchmarking system tied to performance in Economic Development; 3) information compiled and reported to elected officials from various citizen led teams associated with the Inter-City trip to Norfolk/New Haven; 4) the 2004 Economic Development Summit sponsored by the City of Gainesville and Gainesville Council for Economic Outreach; and 5) goals and budget priorities established by the City Commission in the context of the FY 2005-2006 budget review.

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

This Interim Peer City report is the first of several presentations over the next few months to the City Commission regarding an analysis of data defining the current state of affairs regarding the City of Gainesville's competitive position relative to Peer cities. The analysis represents both a quantitative and qualitative analysis of the data collected over the course of the last several months.

This first presentation focuses on Gainesville's position relative to North Carolina Peer Cities based upon the recent presentation at the 2005 Economic Development Summit

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission hear a presentation on the findings of the Peer City Report: Part I - City of Gainesville/North Carolina Peer Cities.

Legislative History

6/29/04	Economic Development/University Community Com	Discussed	
7/12/04	City Commission	Referred	Economic Development/University Community Com
8/3/04	Economic Development/University Community Com	Recommended for Approval	
8/23/04	City Commission	Approved as Recommended (5 - 0 - 2 Absent)	

8/24/04 Economic Discussed
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041259**New Flood Insurance Rate Maps (NB)**

Explanation: The Federal Emergency Management Agency (FEMA) has issued Preliminary Flood Insurance Rate Maps for Alachua County in a new county wide format. Copies of the Preliminary Flood Insurance Rate Maps are available for review at the Public Works Administration office and at the Alachua County Library. A 90-day appeal period will begin on August 26, 2005. Following the appeal period, the Flood Insurance Rate Maps will be presented to the Commission for formal adoption.

Fiscal Note: None

RECOMMENDATION

The City Commission hear a presentation from FEMA representative Mark Vieira on the Preliminary Flood Insurance Rate Map format and on the 90-day appeal period process.

041260**Update - Tiger Bay Court Rental Development (B)**

Explanation: At the June 24, 2002 City Commission meeting, the City Commission authorized a \$100,000 loan to Jennings Development Group, Inc. from next year's New Rental Construction Program, with the remainder of the \$100,000 net present value commitment needed by the developer to come from a grant from surcharges on water/wastewater connection charges.

Jennings Development Group, Inc. (JDG) submitted tax credit applications to the Florida Housing Finance Corporation in 2002 and 2003. Neither application was approved. Following those denials, JDG did not renew their option to purchase the project site. The property owner, Alan V. Iselin, formed Tiger Bay Group, LLC to revise and resubmit the existing tax credit application during the 2004 application cycle.

At their October 27, 2003 meeting, the City Commission approved extending the funding commitment previously approved for Jennings Development Group, Inc. to Tiger Bay Group, LLC with a change in fiscal year funding sources for HOME and SHIP to FY 03-04.

Tiger Bay Group, LLC's 2004 tax credit application also was not successful. Only three applications were funded in the Front Porch Florida set-aside that included Tiger Bay Group's application. The three funded projects had higher

lottery numbers than Tiger Bay Group; therefore the project was not funded. Mr. Iselin appealed the 2004 tax credit funding decisions and also submitted a new application during the 2005 tax credit cycle.

At the November 8, 2004 City Commission meeting, the City Commission heard a presentation from Mr. Iselin and approved: 1) re-extending the \$100,000 funding commitment for Tiger Bay Court Rental Development to Tiger Bay Group, LLC; and 2) providing the funds as an outright \$28,000 grant from HOME funds and a \$72,000 water/wastewater surcharge grant from the affordable housing set-aside. During the meeting there was discussion, with no formal motion, of linking the residential and commercial components of the project to the release of the City's grant funding. In addition, the City Commission directed the City Manager to work with the City Attorney to develop a mixed use site plan agreement whereby mixed use be tied to residential use for the Tiger Bay development and that the agreement should include design input in the project.

Control of the Tiger Bay Group has changed. Howard K. Wallace is the President of Tiger Bay Group, LLC and will present information on current ownership, status of the tax credit application, and project plans. The new owners are continuing the appeal of the 2004 tax credit funding decisions and moving forward with the 2005 tax credit application cycle for the residential component of the project. It is staff's understanding that Mr. Iselin is in the process of selling the commercial component.

Fiscal Note: \$28,000 of HOME funds and \$72,000 of water/wastewater surcharge funds from the affordable housing set-aside are available to fund the \$100,000 local government contribution to the residential component of the development.

RECOMMENDATION

The City Commission: 1) Hear a presentation from Howard K. Wallace, President of Tiger Bay Group, LLC; and 2) authorize the City Manager or designee to take appropriate action.

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041258

Federal Transportation Bill Reauthorization (B)

Explanation: The House-passed legislation, TEA-LU contains the following projects for the Gainesville region:

\$4 million Gainesville RTS Facility

\$4 million Gainesville Bus Acquisition

\$6 million Depot Ave/Downtown Revitalization Initiative, related roadway improvements

\$500,000 Gainesville RTS Bus Rapid Transit Study

\$2 million Gainesville Regional Airport

\$2 million Reconstruction University Ave-to-NE 8th Ave

\$1 million Reconstruction NE 3rd Ave-to NE 8th Ave

\$5 million North-South Corridor between Archer Road and Newberry Road to provide Congestion relief to

the I-75 Corridor

The U.S. Senate is currently considering similar legislation, SAFETEA. The Senate will be compiling their list of projects in upcoming meetings, so it is important that the City provide letters of support for these projects to Senator Nelson and the other members of Congress and thank them for their continued efforts on the City's behalf. A letter has been drafted for the City Commission's consideration by the City's federal lobbyist.

Fiscal Note: There is no fiscal impact associated with this request.

RECOMMENDATION

The City Commission authorize the Mayor to sign letters of support and thanks to the U.S. Delegates for the projects currently identified in the House-passed transportation reauthorization bill.

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GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****041267****Gainesville Code Enforcement Board (B)****RECOMMENDATION**

The City Commission appoint member(s) to the Gainesville Code Enforcement Board.

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OUTSIDE AGENCIES**041244****Mount Olive Church - Cotton Club (NB)****RECOMMENDATION**

The City Commission hear a presentation from Vivian Filer.

Legislative History

4/25/05 City Commission Postponed

MEMBERS OF THE CITY COMMISSION**041273****Annual Performance, Salary, and Benefits Review - General Manager for Utilities (NB)****RECOMMENDATION**

As required by the General Manager for Utilities' employment agreement, the City Commission conduct the annual performance, salary, and benefits review.

COMMISSION COMMENTS (if time available)**CITIZEN COMMENT****COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****041270****National Public Works Week - May 16-20, 2005 (B)****RECOMMENDATION**

Interim Public Works Director Stewart Pearson to accept the proclamation.

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041271**26th Annual Fifth Avenue Arts Festival Days - May 20-22, 2005 (B)****RECOMMENDATION**

Cultural Arts Coalition Executive Director NKwanda Jah to accept the proclamation.

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041272**National Tourism Week - May 9-13, 2005 (B)****RECOMMENDATION**

City of Gainesville Cultural Affairs Manager Coni Gesualdi to accept the proclamation.

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041274**National Bike to Work Day - May 20, 2005 (B)****RECOMMENDATION**

*City of Gainesville Bicycle/Pedestrian Program
Assistant Dekova Batey to accept the proclamation.*

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PUBLIC HEARINGS**041261****Modification to City of Gainesville Urban Reserve Area and Statement of Services (B)**

Explanation: The City of Gainesville Urban Reserve area was initially adopted by the Alachua County Commission on August 15, 1991 and became effective on October 15, 1991. The area was later updated and again formally adopted on October 14, 1996. Under the Alachua County Boundary Adjustment Act, an urban reserve area defines the territory where a municipality is allowed to annex. The reserve area designated for a municipality must meet the following criteria:

- (a) Be adjacent to the municipality;*
- (b) Be urban in character or likely to become urban in character within the next 10 years;*
- (c) Be areas in which population growth should be directed so as to promote efficient delivery of urban services, including police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks and recreation, housing, street lighting, transportation and other services, and to encourage more concentrated urban development;*
- (d) Shall not contain areas outside the county in which the municipality lies, contain areas within the corporate limits of another municipality, or contain areas within another municipality's reserve area;*
- (e) Shall not contain areas which could be provided with urban services more efficiently by the county or other municipality;*
- (f) Shall not contain areas which cannot reasonably be foreseen to be provided with the urban services provided by the municipality within the next 10 years;*
and,
- (g) Shall not contain areas which the municipality cannot reasonably have the capacity or capital facilities within the next 10 years to provide, at a minimum, the level of services provided by the county to the reserve areas.*

Under the Boundary Adjustment Act, "urban in character" is defined as an area used for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes including any parcels of land retained in their natural state or kept free of development as greenbelt areas.

Currently, there are areas outside of Gainesville's Urban Reserve Area that are considered conservation, and/or environmentally significant. If the City were to

include some of these parcels in the Urban Reserve Area for Gainesville, this would further assist in creating an "emerald necklace" around the future incorporated limits of the City. Several citizens noted this concept as very desirable at the Town Hall meeting held on November 30, 2004 as part of the County-wide Visioning and Planning Process.

In preparation for the forthcoming formal notification, the City Commission held a workshop on January 13, 2005 to discuss any desirable changes to Gainesville's current Urban Reserve Area. The County delivered the formal notification to the City requesting any and all modifications to the Urban Reserve Area on February 28, 2005. On April 11, 2005, the City Commission tentatively adopted a proposed urban reserve area to be submitted to the County pending the outcome of this public hearing. The City must submit any final desired changes to the County and the North Central Florida Regional Planning Council by May 26, 2005.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) hold a public hearing on the proposed modifications to the Gainesville Urban Reserve Area; and 2) authorize the Interim City Manager to notify Alachua County and the North Central Florida Regional Planning Council of the City's desired changes to the Gainesville Urban Reserve Area and Statement of Services.

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

041239

SETTING DATES FOR 2006 REGULAR CITY ELECTIONS (B)

Ordinance No. 0-05-50

An ordinance of the City of Gainesville, Florida, setting March 7 as the date for the 2006 regular city election and March 28 as the date for the 2006 run-off election, if necessary; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of April 25, 2005, authorized the City Attorney's Office to draft an ordinance setting the 2006 regular city election and run-off election dates.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

4/25/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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040782**IMPOUNDED VEHICLES - APPEAL PROCEDURES (B)****Ordinance No. 0-05-31**

An Ordinance of the City of Gainesville, Florida; amending subsections 26-140(b) and 26-140(c), City of Gainesville Code of Ordinances, relating to appeal procedures for impounded vehicles; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of December 13, 2004, authorized the City Attorney to draft an ordinance updating appeal provisions for impounded vehicles as follows:

** Clarifying that a written request for an appeal hearing may be delivered to the City Manager or the City Manager's designee;*

** Changing the method of delivery from registered mail to certified and first class mail; and*

** Extending the time for the Board of Adjustment hearing from 3 days to 20 days, minimum from date of receipt of the request for an appeal.*

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, May 23, 2005.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

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021198**FALSE FIRE ALARM (B)****Ordinance No. 0-04-97**

An ordinance of the City of Gainesville relating to false fire alarms; creating and adding a new Article IV to Chapter 10 to be titled False Fire Alarms; adding a short title; providing definitions; requiring permits for alarm operators; providing for fees and fines; providing for suspension, revocation and reinstatement of permits; providing for appeals; providing for response to fire alarms; proscribing deactivation of audible alarms; requiring annual registration of alarm monitoring companies; providing for alarm verification; requiring annual registration of alarm contracting companies; prohibiting certain alarm devices; requiring auxiliary power supply; providing for civil citation; providing for disposition of fees and fines; disclaimer of public duty; providing for confidential records; amending section 2-339, of the Gainesville Code of ordinances relating to applicable codes and ordinances subject to civil citation; amending

Appendix A, Schedule of Fees, Rates and Charges of the Gainesville Code of Ordinances, by creating a new subject heading titled "Fire/Rescue" and establishing fire alarm related fees therein; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an effective date of July 1, 2005.

Explanation: On November 24, 2003, the City Commission voted to authorize the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance, however, before the ordinance came back for first reading, staff expressed some concerns about the effectiveness of the ordinance and requested more time to work out details.

The above-proposed ordinance was resubmitted on October 11, 2004, and the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise the ordinance to reduce the number of false fire alarms the Fire Rescue Department responds to by implementing a system of registration, permitting, and fees for false alarms.

The City Commission also directed that communication with the University of Florida continue in an effort to address its concerns. Written correspondence between the City and the University are attached for your information. The City maintains that the University is subject to this user fee ordinance if the University chooses to utilize false fire alarm systems as defined in the ordinance. The University maintains that as "an instrumentality of the State of Florida, the University is not subject to local ordinances such as the proposed false fire alarm ordinance..."

The structure of the ordinance, with some minor language differences, now mirrors the structure of the false burglar alarm ordinance. The Alachua County Sheriff's Office has agreed to administer the ordinance as it does the false burglar alarm ordinance. For your information, Alachua County has adopted a similar ordinance with the same effective date of July 1, 2005.

The City Commission directed that the Public Safety Committee review this ordinance one year after the effective date.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/12/03	City Commission	Approved as Recommended (4 - 0 - 1 Absent)
5/12/03	City Commission	Referred Public Safety Committee
7/31/03	Public Safety Committee	Discussed
9/18/03	Public Safety Committee	Discussed
10/16/03	Public Safety Committee	Discussed
11/12/03	Public Safety Committee	Recommended for Approval
11/24/03	City Commission	Approved as Amended (7 - 0)
10/11/04	City Commission	Approved, as shown above (6 - 0 - 1 Absent)

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ADOPTION READING - ROLL CALL REQUIRED

040656

LAND USE CHANGE - UNIVERSITY CORNERS (B)

Ordinance No. 0-05-33, Petition 160LUC-04PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the land use category of "Planned Use District" on certain property with the underlying land use categories of "Mixed-Use Low-Intensity (8-30 units per acre)" and "Mixed-Use Residential (up to 75 units per acre)"; located between West University Avenue on the South, Northwest 3rd Avenue on the North, Northwest 13th Street (US 441) on the East and Northwest 14th Street on the West; providing conditions; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The purpose and intent of this project is to construct a 650,000+ sq. ft. mixed-use development containing a combination of commercial, office, residential and a place of religious assembly on approximately 4.4 acres of land located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street. The project shall also consist of both an underground and above ground parking structure for approximately 1,300 spaces having a maximum square footage of 450,000 square feet. The redevelopment of this property will allow for the petitioner to provide increased commercial and personal services for the existing and future neighborhood residents as well as University of Florida students and staff. This will assist in reducing the dependency on the use of the automobile as a primary mode of transportation, in the area, by encouraging transit, bicycle and pedestrian modes of transportation by maximizing non-vehicular oriented development within University Corners, located at the intersection of West University and Northwest 13th Street (US 441).

The redevelopment of the three University Corners blocks will provide additional commercial (including hotel staff), offices, and other job opportunities as well as add much needed residential density (requesting 400 dwelling units maximum - 91 du/ac with 346 dwellings currently proposed-78 du/ac) to this existing activity center area. In addition to the commercial mixed-use development being proposed, the petitioner is also proposing to rebuild the University United Methodist Church at its present location at the corner of West University and Northwest 14th Street. Although the entire project is being constructed as one, the new church will be built on its own tax parcel, having its own specific property lines.

The proposed land use change is consistent with the City of Gainesville

2000-2010 Comprehensive Land Use Plan in numerous ways. Perhaps one of the most significant accomplishments of this proposed development is that the petitioner will be redeveloping an underdeveloped and arguably one of the busiest, most important intersections in the City of Gainesville, near the University of Florida.

The petitioner has met with the College Park and surrounding neighborhood/s on numerous occasions to discuss the project and hear comments and concerns related to the proposed development. It is planning staff's understanding that the petitioner has gained the support from most of the neighbors in question.

Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.

CITY ATTORNEY MEMORANDUM

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

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

The City Commission, at its meeting of December 13, 2004, approved the petition and authorized the City Attorney to draft the proposed ordinance the land use change.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

12/13/04 City Commission Approved (Petition), as recommended (7 - 0)

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ORDINANCES, 1ST READINGS, CONTINUED - ROLL CALL REQUIRED

040657

PLANNED DEVELOPMENT - UNIVERSITY CORNERS (B)

Ordinance No. 0-05-34, Petition 161PDV-04PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from "MU-1: 8-30

units/acre mixed use low intensity" and "RMU: Up to 75 units/acre residential mixed use district"; to "Planned Development District"; located between West University Avenue on the South, Northwest 3rd Avenue on the North, Northwest 13th Street (US 441) on the East and Northwest 14th Street on the West; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an effective date.

Explanation: STAFF REPORT

The purpose and intent of this project is to construct a mixed-use development on a 3-block area in the southeast corner of the College Park Special Area Plan. The site is approximately 4.4 acres in size with the mixed-use development (commercial and residential, 400 dwelling units max.) component having a maximum square footage of 650,000 sq. ft. of floor area. The commercial (275,000 sq. ft.) includes such things as storefront retail, eating and drinking establishments, offices and personal services. The residential (375,000 sq. ft.) will consist of apartment condominiums and condo/hotel. A place of religious assembly (University United Methodist Church), having a maximum 39,000 sq. ft. of floor area, is to be rebuilt at the intersection of West University and Northwest 14th Street. In addition, a 450,000 sq. ft., max., underground and above ground structured parking facility are to be built onsite.

In order to achieve the desired intensity and density of development (91 du/ac includes hotel units) being proposed, the building height allowed in the College Park Special Area Plan must be increased from 65 feet (floor to ceiling/top of plate) to 95 feet (top of plate) and 100 feet to peak of roof and the number of stories increased (5-stories to 8-stories), the property must be rezoned to Planned Development.

The petitioner has indicated that the proposed development complies with the District's intent to encourage revitalization and redevelopment of the College Park neighborhood. However, the Special Area Plan regulations also require any proposed new convenience-type retail, professional and consumer services maintain the scale, character and integrity of the neighborhood.

The petitioner believes that their proposed planned development will accomplish the desired objectives. Their request is for taller structures (8 stories rather than 5 stories and a 95-foot height rather than 65 feet) within one or more mixed-use buildings. The proposed changes to this property will allow it to be redeveloped as an intensive mixed-use urban infill redevelopment that will provide retail and personal services for the existing and future neighborhood residents as well as for University of Florida students and staff.

The proposed uses will also require a land use plan change from MUL (mixed-use low intensity, 8-30 units per acre) and MUR (mixed-use residential, up to 75 units per acre) to PUD. This petition is related to Petition 160LUC-04PB.

The existing and proposed conditions, provided, are all based on the PD Layout

Plan, PD Plan Report and PD Elevations presently before the Commission.

Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of December 13, 2004, approved the petition and authorized the City Attorney to draft the proposed ordinance for the rezoning to planned development.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/13/04 City Commission Approved (Petition), as recommended (7 - 0)

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040655

STREET VACATION - UNIVERSITY CORNERS (B)

Ordinance No. 0-05-35, Petition 159-ASVA-04PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Northwest 1st Avenue located between Northwest 13th Street (U.S. 441) and Northwest 14th Street; reserving a temporary utilities easement; providing a special condition; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The petitioner is proposing the redevelopment of a three-block area in the southeast corner of the College Park Special Area District, located between University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street. The three-block area has been assembled for purchase by the petitioner for the purpose of developing a mixed-use project, consisting of commercial, office, place of religious assembly and residential uses, to be known as "University Corners."

The petitioner is proposing to vacate, abandon, and close a portion of Northwest 1st Avenue located between Northwest 13th Street (US 441) and Northwest 14th Street. In addition, the request is to vacate, and abandon that portion of Northwest 2nd Avenue, located between Northwest 13th Street (US 441) and Northwest 14th Street. The proposal is not to physically "close" Northwest 2nd Avenue to through-traffic, however, it is to "one-way" the eastern portion of the street from Northwest 13th Street (US 441). Northwest 2nd Avenue will become a "private" street, open to the public ingress and egress.

The two streets for which a vacation is requested are minor local streets that are no more than two blocks in length. Northwest 1st Avenue is located very close to University Avenue and because of the amount of traffic generated in the area, this street has always been underutilized and has created dangerous circulation problems for both pedestrians and vehicles trying to enter, exit, or cross Northwest 1st Avenue at Northwest 13th Street (US 441).

The City shall retain temporary public and private utilities easements over, under, across, and through the vacated right-of-ways. The exact location of any new easements or a blanket easement for the entire 3-block site shall be determined at the time of site plan approval of the mixed-use development.

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

Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of December 13, 2004, approved the petition and authorized the City Attorney to draft the proposed ordinance for street vacation.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

12/13/04 City Commission Approved (Petition), as amended (7 - 0)

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041262

STREET VACATION - UNIVERSITY CORNERS (B)

Ordinance No. 0-05-37, Petition 159-BSVA-04PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Northwest 2nd Avenue located between Northwest 13th Street (US 441) and Northwest 14th Street; reserving a temporary utilities easement reserving an ingress/egress easement for public safety purposes; providing a special condition; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The petitioner is proposing the redevelopment of a three-block area in the southeast corner of the College Park Special Area District, located between University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street. The three-block area has been assembled for purchase by the petitioner for the purpose of developing a mixed-use project, consisting of commercial, office, place of religious assembly

and residential uses, to be known as "University Corners."

The petitioner is proposing to vacate, abandon, and close a portion of Northwest 1st Avenue located between Northwest 13th Street (US 441) and Northwest 14th Street. In addition, the request is to vacate, and abandon that portion of Northwest 2nd Avenue, located between Northwest 13th Street (US 441) and Northwest 14th Street. The proposal is not to physically "close" Northwest 2nd Avenue to through-traffic, however, it is to "one-way" the eastern portion of the street from Northwest 13th Street (US 441). Northwest 2nd Avenue will become a "private" street, open to the public ingress and egress.

The two streets for which a vacation is requested are minor local streets that are no more than two blocks in length. Northwest 1st Avenue is located very close to University Avenue and because of the amount of traffic generated in the area, this street has always been underutilized and has created dangerous circulation problems for both pedestrians and vehicles trying to enter, exit, or cross Northwest 1st Avenue at Northwest 13th Street (US 441).

The City shall retain temporary public and private utilities easements over, under, across, and through the vacated right-of-ways. In addition, the City shall retain an emergency ingress/egress easement for public safety vehicles and personnel over, across and through the N.W. 2nd Avenue right-of-way described in Exhibit "A".

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

Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of December 13, 2004, approved the petition and authorized the City Attorney to draft the proposed ordinance for street vacation.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

040654

COLLEGE PARK SPECIAL AREA PLAN AMENDMENT (B)

Ordinance No. 0-05-12; Petition 158TCH-04 PB

An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3, of the Land Development Code, relating to the College Park Master Plan and Regulating Plan for New Construction; amending paragraph (2) of the subsection on building height for new construction, by

allowing a greater building heights and number of stories under certain prescribed zoning and land use conditions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This petition requests a text change to the College Park Special Area Plan (College Park SAP). The intent of the Plan is to protect and promote the traditional, walkable character of this neighborhood. Largely, this intent is to be achieved in the proper design and placement of buildings, streets and sidewalks in the neighborhood to create high-quality street spaces that are pleasant, safe and convenient for pedestrians, bicyclists, transit users and motorists.

In addition to the preservation and promotion of a neighborhood design that is welcoming (particularly to pedestrians), the Special Area Plan finds it essential that residences, offices, retail and civic uses be compactly laid out so that their proximity makes walking between them convenient—a traditional design known as "mixed use."

Similarly, the purpose of a planned development (PD) is to provide a method for landowners or developers to submit unique proposals that are not provided for or allowed in the City's zoning districts. Planned development provisions allow unique design characteristics and a mix of residential and non-residential uses that are otherwise not accommodated in the land development regulations.

Current language in the College Park Special Area Plan does not provide for an exception to height requirements for Type I buildings. In order to accommodate the intended mixture of uses in an aesthetically appealing fashion, the petitioner is requesting a text change to the College Park Special Area Plan, to allow a Planned Development (PD) to exceed the SAP's limitations for maximum height and maximum number of stories. Any proposed development would also require amending the Comprehensive Land Use Plan to Planned Use District (PUD).

In the College Park Special Area Plan, building height is based on a maximum number of stories. For Type I buildings the maximum height is 65-feet, with a maximum of five (5) stories and a first story minimum of 10-feet from floor to ceiling.

If approved, a development could exceed the maximum height and maximum number of stories ordinarily allowed. The unique and often complex nature of a PD requires specialized review, as established in Section 30-211 of the Land Development Code. Section 30-211 allows a PD, in conjunction with a PUD land use plan change, to set its own dimensional requirements.

Staff recommends a text change to the College Park Special Area Plan to clarify this omission, by allowing greater building heights and number of stories through the PD rezoning and PUD land use plan change process, so long as the first story, minimum 10-foot floor to ceiling height requirement is retained.

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

Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.

The City Commission, at its meeting of December 13, 2004, held a public hearing and approved this petition.

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 May 9, 2005.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/13/04	City Commission	Approved (Petition) (7 - 0)
4/25/05	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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040658

COLLEGE PARK SPECIAL AREA PLAN MAP AMENDMENT (B)

Ordinance No. 0-05-13, Petition No. 162ZON-04 PB

An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3 of the Land Development Code, incorporating a specific change from Type IV (Civic) to Type I (Shop Front/Office/Apartment) for certain property located in the vicinity of 205 NW 14th Street as more specifically shown on the map of the College Park Special Area Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: **COMMUNITY DEVELOPMENT STAFF MEMORANDUM**

This is an application to amend a portion of the College Park Special Area Plan Map, a 0.47-acre parcel from Type IV - Civic (civic uses) to Type I (shop fronts, offices, apartments or mixed-use buildings with apartments). As illustrated on the College Park Special Area Plan Map, the subject parcel is located at 205 Northwest 14th Street, between Northwest 2nd and 3rd Avenues, on the east side of Northwest 14th Street. The subject parcel contains a two-story boarding house/dormitory style residential building, which was formerly a place of religious assembly. The zoning and land use designations of the subject property and properties to the north and west are respectively RMU (Up to 75 units/acre, residential mixed use) and MUR (Mixed Use residential, up to 75 units per acre). The zoning and land use designations to the east (the only abutting property), south and northeast are respectively MU-1 (Mixed Use Low Intensity) and MUL (Mixed Use Low).

The existing Type IV - Civic classification is no longer appropriate for the subject property since the existing building is currently utilized solely as a

residential structure. The requested change to Type - I (shop fronts, office, apartments or mixed-use buildings with apartments) will allow the mixed-use development proposed for the subject property and the remainder of the block located to the east.

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

Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.

The City Commission at its meeting on December 13, 2004, held a public hearing and approved Petition 162ZON-04 PB.

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 May 9, 2005.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

12/13/04	City Commission	Approved (Petition), as recommended (7 - 0)
4/25/05	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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041148

HOME OCCUPATION INSPECTION AND PERMIT FEES (B)

Ordinance No. 0-05-48

An ordinance of the City of Gainesville, Florida, relating to user fees; amending Appendix A of the Code of Ordinances regarding home occupation inspection and permit fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission, at its meeting of April 11, 2005, authorized the City Attorney to draft and advertise an ordinance amending Appendix A of the City of Gainesville Code of Ordinances, Home Occupational Permit Fee. Past amendments to Appendix A have resulted in the inadvertent omission of the Home Occupational Permit fee authorized at section 30-58, City of Gainesville Land Development Code. The ordinance drafted by the City Attorney would relocate these fees, enacted in ordinance 3548 (adopted July 17, 1989), to Appendix A, City of Gainesville Code of Ordinances. The regulatory fees remain as established in ordinance 3548, as follows:

** an initial filing fee of \$60.00 to cover the cost of an inspection and issuing the permit, which is paid at the time of submitting each application;*

** an annual permit processing fee of \$10.00, which is paid each and every year; and,*

** an additional fee of \$50.00 for the cost of re-inspection, which is paid every*

three (3) years per permit.

The fee is assessed per application submitted to the City.

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, May 9, 2005.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

4/11/05 City Commission Approved as Recommended (7 - 0)
4/25/05 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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041230

UF FOUNDATION VOLUNTARY ANNEXATION (B)

Ordinance No. 0-05-29

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area generally south of Tax Parcel 06714-000-000, west of the City Limits, SW 15th Place, SW 17th Place, and Tax Parcels 06699-000-000 and 06700-000-000, north of Tax Parcel 06712-001-000, and east of Tax Parcels 06711-000-000, 06711-001-000, SW 37th Street and the City limits; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, September 13, 2004, at a regular city commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On January 24, 2005 and February 14, 2005, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

If adopted on first reading, the second and final reading of this ordinance will be May 9, 2005. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/25/05 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT 9:38 PM