

# **City of Gainesville**

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



## **Meeting Agenda**

**February 14, 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 - 1:10 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

*Pastor Horace L. Mingo, Jesus People Life Changing Church, 800 NW 39th Avenue, Gainesville, FL 32609*

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 040940

#### **Summer Playground Update (NB)**

*Explanation: The Recreation and Parks Department has prepared its annual report on the proposed Summer Playground Program. Recreation & Parks staff now requests permission from the City Commission to present its report to the Recreation and Cultural Affairs Committee.*

*Fiscal Note: None at this time.*

#### RECOMMENDATION

*The City Commission refer this matter to the Recreation and Cultural Affairs Committee.*

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### 040941

#### **Contract for the Installation of Landscaping and Irrigation in the NE 3rd Avenue Medians (B)**

*Explanation: The Parks Division sent out a request for bids for the Installation of Landscaping and Irrigation in the NE 3rd Avenue Medians (from NE 9th Street to Waldo Road), which will improve the appearance of this corridor. Four (4)*

vendors attended the mandatory pre-bid conference and bids were received from three (3) of those vendors. All bids were evaluated on price, references, and conformance to specifications and any exceptions to those specifications. Based on these factors, Oasis Landscape Services, Inc. was ranked number one with a bid price of \$29,296.

*Fiscal Note: Monies are available for this project in the First Florida Government Finance Commission 2002 (FFGFC 02) Capital Projects Fund.*

**RECOMMENDATION**

*The City Commission: 1) award the contract for the installation of landscaping and irrigation to Oasis Landscaping Services, Inc.; and 2) approve the issuance of a purchase order to Oasis Landscaping Services, Inc. in an amount not to exceed \$29, 296.*

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**040942**

**Continuation of Employee Bus Pass Program for Downtown City, County and UF Employees (B)**

*Explanation: The Employee Bus Pass Program was created to alleviate traffic and parking problems, particularly at the University of Florida and Downtown. The program has been in effect since January 24, 2000, with University of Florida employees being the first to begin riding. Downtown City employees began riding on April 3, 2000, and Alachua County employees on July 24, 2000. Some 487,307 UF employees have ridden, and the combined total for City/County employee ridership was over 65,586 passengers through December 31, 2004.*

*Use of public transportation continues to increase by City, County and University of Florida employees. This program is available to 900 City (includes 420 GRU employees), 1,000 County, and 13,000 UF employees. Employee ridership for the City and County averaged over 1,054 passengers monthly during 2004. UF employee ridership averaged 9,866 passengers during 2004.*

*Fiscal Note: At the current rate of \$4.50 per rider, funding in the total amount of \$67,050 will be necessary for the continuation of this program with the following contributions by each participating agency: University of Florida will provide \$58,500; the City will provide \$4,050 of which Gainesville Regional Utilities will fund \$1,890; and the County will provide \$4,500.*

**RECOMMENDATION**

*The City Commission: 1) approve the annual contract for continuation of the Employee Bus Pass Program for Downtown City Employees through January 2006; and 2) authorize the Interim City Manager or designee to execute interlocal agreements with University of Florida and Alachua County for a continuation of the Employee Bus Pass Program.*

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**040943****City Parking Lot 10 - Pay for Nighttime Parking (NB)**

*Explanation:* During City Commission deliberations on the parking rates for the new parking garage in 2004, the issue of nighttime pay parking in City parking lots was deferred until the new parking garage was operational. The garage opened for business on December 13, 2004. Since then, Public Works staff has been observing nighttime parking in the southwest quadrant. As expected, the free spaces (streets and lots) fill first, then City Lot 10 (immediately east of the new parking garage and currently licensed to the McGurns at a cost of \$5 per vehicle), and then the public parks in the new garage. The license agreement with the McGurns for Lot 10 will expire in the second half of February and the lot will then return to City control.

Public Works is recommending that when Lot 10 returns to City control, nighttime pay parking in Lot 10 be extended to Thursday, Friday and Saturday nights and be operated by one of the two parking attendants stationed at the parking garage, which is consistent with the recommendation from the Police Department for this type of nighttime pay parking in a City parking lot.

The benefits of this program are: 1) the estimated annual revenue collected will be approximately \$70,000; 2) the parking attendant will be able to promote parking in the new garage as the lot fills up; and 3) since the attendant is already at the garage and will return to the garage when the lot is full, there is no added cost to operate this program

Additionally, a Request for Proposal (RFP) for construction of a multi-use building on Lot 10 will be released to the public in February. If successful, a building would potentially be under construction on Lot 10 within the next few years. The public currently parking in Lot 10 may migrate to parking in the garage. By assigning this revenue to the garage, it will provide a more accurate basis for revenue projections for the garage.

*Fiscal Note:* Public Works is recommending that the estimated \$70,000 in revenue from this program be deposited in the Parking Garage Revenue Account.

**RECOMMENDATION**

The City Commission authorize: 1) a pay for nighttime parking in City Parking Lot 10 on Thursday, Friday and Saturday nights; 2) a parking fee of \$5 per vehicle; and 3) revenues be deposited in the Parking Garage Revenue Account.

**040960****Contract Award for Leasing Retail Space in the New City Parking Garage (B)**

*Explanation:* The Community Redevelopment Agency requested that the City utilize the services of a retail property manager in leasing the 5,000 square feet of retail space available in the Southwest Downtown Parking Garage. Pursuant to

authorization by the City Commission, staff sought proposals for retail property management services from one hundred fifty eight (158) potential vendors. Two (2) firms requested bid information and one (1) local firm, Nautilus Realty Inc., submitted a proposal. The selection committee reviewed the application and recommends accepting the proposal from Nautilus Realty, Inc.

*Fiscal Note:* Funding for this contract will be from the Public Works FY 05 Parking Garage operating budget.

**RECOMMENDATION**

*The City Commission: 1) accept the proposal from Nautilus Realty, Inc.; 2) authorize the Interim City Manager to negotiate a contract and execute any related documents, subject to approval by the City Attorney as to form and legality.*

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## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

### **040948**

#### **Release of Easement at 2519 NE 13th Avenue, Cedar Grove Unit 1, Lot 11 (B)**

*Explanation:* When Cedar Grove Unit 1 was developed in 1969, a seven and one-half foot wide public utilities easement was dedicated along all rear and side lot lines via Plat Book "H", Page 3, filed in the public records of Alachua County. Subsequent to that time, a home was constructed on Lot 12. Recently a survey prepared of the property by Kris Ann Gath, Land Surveyor, revealed that the home constructed on Lot 12 encroaches into the platted easements dedicated along the west lot line of Lot 12 and the east property line of Lot 11.

*The City approved the release of the platted easement on Lot 12 January 10, 2005. The owner of Lot 12 has now negotiated with the owner of Lot 11 to purchase the area of encroachment along the east property line of Lot 11 and is requesting that the City release its interest in the area of encroachment on Lot 11.*

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

**RECOMMENDATION**

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

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**040956****Grant of Easement (B)**

*Explanation: The Catholic Diocese of St. Augustine (hereinafter Diocese) is currently constructing a high school facility located in the 11500 block of NW 39th Avenue which is also adjacent to and abutting the City's electric transmission right-of-way on the east side. As part of their site development, retention ponds were created on the east side of their property. The Diocese project engineer completed an analysis that determined the potential area of storm water runoff from their retention ponds. It was calculated that approximately 400' linear feet of the City's electric transmission right-of-way could be impacted with water flow runoff should the retention ponds overflow in a storm situation. Therefore, the Diocese has requested the City to grant a perpetual easement for the purpose of discharging storm water from the retention ponds on the Diocese property onto a portion of the City's electric transmission right-of-way. The Diocese provided a specific legal description and sketch of the easement area which is 150' X 400' on the City's electric transmission right-of-way.*

*Upon review by staff, it was determined that the granting of the requested easement could be recommended as it would not regularly interfere with the City's use, with the exception of overflow of the retention ponds in a storm situation. In the event the surface of the land is disturbed or damaged during any storm water discharge from the retention ponds, restoration language was added to the easement document requiring the Diocese to restore the City's right-of-way as near as possible to the same condition that existed previously. Further, an indemnification clause has also been incorporated into the easement document protecting and defending the City from all claims or expenses arising out of or relating to the exercise of discharging storm water in the easement area.*

**RECOMMENDATION**

*The City Commission: 1) approve the granting of a perpetual easement for the discharge of storm water from retention ponds across a portion of the City's electric transmission right-of-way adjacent to property owned by the Catholic Diocese of St. Augustine; and 2) authorize the Mayor and Clerk of the Commission to execute the Easement, substantially in the form on file, subject to approval by the City Attorney as to form and legality.*

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**040958****Amended Drainage Agreement and Easement (B)**

*Explanation: In 1993, the City of Gainesville negotiated and entered into a Drainage Agreement and Perpetual Drainage Easement located on property owned by the Hauflers family in the 9700-9800 block of NW 39th Avenue. The document is recorded in the public records of Alachua County in Official Records Book 1898, page 577. The purpose of the agreement was to allow the City to drain*

*storm waters from the GRU Springhill Service Center (3800 Blk NW 97th Blvd) onto a designated area of the Haufers property. The original agreement allowed for a specific volume of 904 cubic yards of storm water to be drained from the GRU Springhill property. Alachua County also joined in the execution of the agreement to indicate its approval of the drainage plan.*

*The Haufers would like to move the existing drainage area located on their property to a new location that provides for more flexibility in the management of stormwater and have requested the City to release their interests in the original Drainage Agreement and Perpetual Drainage Easement. The Haufers are requesting the City to execute a First Amended Drainage Agreement, along with other individuals and parties who now also utilize this same drainage area. The First Amended Drainage Agreement addresses the details of the relocation of the drainage area and provides for the granting of a separate substitute easement in favor of the City of Gainesville, which will preserve the original rights granted and accommodate the identical volume of drainage specified in the original easement at an alternate stormwater basin site. The Haufers will be responsible for managing the City's stormwater discharge and all construction and maintenance costs associated with the drainage improvements and changes within the Haufler property.*

*Staff has reviewed and recommends approval of this request.*

**RECOMMENDATION**

*The City Commission: 1) approve an amended drainage agreement to allow a change in location of an existing drainage easement currently located on property owned by Eugene B. Haufler, Trustee of the Eugene B. Haufler Revocable Trust, Oscar E. Haufler, Trustee of the Oscar E. Haufler Trust, and Ernest L. Haufler, Trustee of the Ernest L Haufler Revocable Trust and Thirty-Ninth Avenue Limited Partnership, Ltd. (collectively the "Haufers"); and 2) authorize the General Manager for Utilities to execute the First Amended Drainage Agreement, substantially in the form on file, subject to approval by the City Attorney as to form and legality.*

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**040959**

**Force Main and Reclaimed Water Main Crossings at the 10000 to 11000 Blocks of SW 24th Avenue by Jack and Bore (B)**

*Explanation: GRU W/WW Systems has ongoing Capital Improvements Programs (CIPs) that provide for enhancing the reliability and redundancy of the existing wastewater force main and reclaimed water main systems. The project provides for extending a 16-inch force main beginning at SW 24th Avenue and SW 91st Street and extending to SW 8th Avenue and SW 122nd Street to allow for offloading flow from the Newberry Road force main system. Also, a 16-inch reclaimed water main will be extended in parallel (joint trench) with the force main to allow for constructing a back feed to the southwest reuse system for enhancing service reliability and meeting growing demand. This CIP project*

includes construction by GRU crews of approximately 15,000 feet of 16-inch force main and 9,000 feet of 16-inch reclaimed water main which is not included in this agenda item.

In order to construct the force main and reclaimed water main crossings at the 10000 to 11000 Blocks of SW 24th Avenue, five (5) jack and bores are required. GRU has received the required Alachua County Public Works and Florida Department of Environmental Protection construction permits.

Invitations to bid for this work were sent by Utilities Purchasing to the two known jack and bore contractors in the area capable of performing large diameter bores with both responding. The lowest responsive bid was submitted by Utility Service of Gainesville, Inc., a small local business. The recommended approval amount includes contingency funds in the amount of \$25,000 for the probable existence of unfavorable underground geological conditions (high compressive strength rock) which may require rock removal and subsequently impact other aspects of the project cost. Unit pricing for rock removal was obtained as additional pricing in the bid. A bid tabulation is attached for your reference.

*Fiscal Note:* Funding for this work is in the FY 2004 - 2005 Water/Wastewater Systems budget.

**RECOMMENDATION**

The City Commission approve the issuance of a purchase order to Utility Service of Gainesville, Inc. for construction of a 16-inch force main and 16-inch reclaimed water main crossings at five locations in the 10000 to 11000 Blocks of SW 24th Avenue in an amount not to exceed \$240,440.

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## CITY ATTORNEY, CONSENT AGENDA ITEMS

### 040949

**ERIKA ZIMMERMAN V. CITY OF GAINESVILLE AND FLORIDA  
CREATIVE PAVING UNLIMITED, INC.; ALACHUA COUNTY  
CIRCUIT COURT; CASE NO.: 01-05-CA-75 (B)**

*Explanation:* On January 24, 2005, the City of Gainesville was served with a summons and complaint. Ms. Erika Zimmerman alleges that on or about October 2, 2001, she was walking on the sidewalk located in the 1600 Block of West University where she tripped and fell on an uneven portion of the sidewalk. Ms. Zimmerman alleges that Florida Creative Paving was the subcontractor installing the sidewalk and was responsible for the uneven condition. Plaintiff Erika Zimmerman seeks damages for her injuries.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Erika Zimmerman v. City of Gainesville and Florida Creative Paving Unlimited, Inc.; Alachua County Circuit Court; Case No.: 01-05-CA-75.



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**040950**

**CITY OF GAINESVILLE, FLORIDA V. STATE OF FLORIDA,  
DEPARTMENT OF TRANSPORTATION; LEON COUNTY CIRCUIT  
COURT; CASE NO.: 2004-CA-2564 (B)**

*Explanation: On June 14, 2004, the City of Gainesville filed suit in Alachua County against the Florida Department of Transportation ("FDOT") to recover unpaid stormwater utility fees. Subsequently, the case was moved to Leon County, and the FDOT filed a Motion to Dismiss. After a hearing held on January 10, 2005, the Circuit Court entered an Order dismissing the Complaint with prejudice based on sovereign immunity grounds. The City Attorney's Office believes that the state legislature has enacted a statutory waiver of sovereign immunity allowing municipalities to sue state agencies to collect unpaid utility fees.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney's Office to file an appeal to the First District Court of Appeal.*

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

**040962**

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of January 13, 2005 (Workshop); January 24, 2005 (Regular Meeting); and January 31, 2005 (Special Meeting); as circulated.*

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**040926**

**Advisory Board/Committee Appointments of Justin DeLeo and Michele LeSure to the Bicycle/Pedestrian Advisory Board (NB)**

**RECOMMENDATION**

*The City Commission reappoint Justin DeLeo for a term to expire December 31, 2007 and appoint Michele LeSure to a vacancy to expire December 31, 2005.*

*Commissioner Braddy: DeLeo and LeSure*

*Commissioner Bryant: DeLeo and LeSure*

*Commissioner Chestnut: DeLeo and LeSure*

*Commissioner Domenech: DeLeo and LeSure*

*Commissioner Lowe: DeLeo and LeSure*

*Commissioner Nielsen: DeLeo and LeSure*

*Mayor Hanrahan: DeLeo and LeSure*

**040927****Advisory Board/Committee Appointments of Anita Spring and Cecily McLeod to the City Beautification Board (NB)****RECOMMENDATION**

*The City Commission reappoint Anita Spring for term to expire November 1, 2007 and appoint Cecily J. McLeod for vacancy to expire November 1, 2006 to the City Beautification Board.*

*Commissioner Braddy: Spring and McLeod  
Commissioner Bryant: Spring and Readvertise  
Commissioner Chestnut: Spring and Readvertise  
Commissioner Domenech: Spring and McLeod  
Commissioner Lowe: Spring and McLeod  
Commissioner Nielsen: Spring and McLeod  
Mayor Hanrahan: Spring and Readvertise*

**040928****Advisory Board/Committee Appointment of Thomas W. Webster and Cecily J. McLeod to the Citizens' Advisory Committee for Community Development (NB)****RECOMMENDATION**

*The City Commission appoint Thomas W. Webster and Cecily J. McLeod to the Citizens' Advisory Committee for Community Development for terms to expire November 1, 2007.*

*Commissioner Braddy: McLeod and Webster  
Commissioner Bryant: McLeod and Webster  
Commissioner Chestnut: McLeod and Webster  
Commissioner Domenech: McLeod and Webster  
Commissioner Lowe: McLeod and Webster  
Commissioner Nielsen: McLeod and Webster  
Mayor Hanrahan: McLeod and Webster*

**040929****Advisory Board/Committee Appointments of James C. Higman and Russell D. Ingram to the Development Review Board (NB)****RECOMMENDATION**

*The City Commission reappoint James C. Higman and Russell D. Ingram to the Development Review Board for terms to expire November 1, 2007.*

*Commissioner Braddy: Higman & Ingram  
Commissioner Bryant: Higman & Ingram  
Commissioner Chestnut: Higman & Ingram  
Commissioner Domenech: Higman & Ingram*

*Commissioner Lowe: Haisley & Higman  
Commissioner Nielsen: Hahn and Higman  
Mayor Hanrahan: Haisley & Higman*

**040930****Advisory Board/Committee Appointments of Carl L. Osberg and Fred L. Vyverberg to the Fire Safety Board of Adjustment (NB)****RECOMMENDATION**

*The City Commission reappoint Carl L. Osberg and Fred L. Vyverberg to the Fire Safety Board of Adjustment for terms to expire November 1, 2007.  
Commissioner Braddy: Osberg & Vyverberg  
Commissioner Bryant: Osberg & Vyverberg  
Commissioner Chestnut: Osberg & Vyverberg  
Commissioner Domenech: Osberg & Vyverberg  
Commissioner Lowe: Osberg & Vyverberg  
Commissioner Nielsen: Osberg & Vyverberg  
Mayor Hanrahan: Osberg & Vyverberg*

**040931****Advisory Board/Committee Appointments of Anne M. Baird and Peggy Richardson to the Gainesville/Alachua County Cultural Affairs Board.(NB)****RECOMMENDATION**

*The City Commission appoint Anne B. Baird to a vacancy to expire September 30, 2006 and Peggy Richardson to a vacancy to expire September 30, 2005 on the Gainesville/Alachua County Cultural Affairs Board.*

*Commissioner Braddy: Baird and Richardson  
Commissioner Bryant: Baird and Calvert  
Commissioner Chestnut: Baird and Richardson  
Commissioner Domenech: Baird and Richardson  
Commissioner Lowe: Baird and Calvert  
Commissioner Nielsen: Baird and Richardson  
Mayor Hanrahan: Baird and Richardson*

**040932****Advisory Board/Committee Appointment of Jenneine A. Lambert to the Gainesville Energy Advisory Committee (NB)****RECOMMENDATION**

*The City Commission appoint Jenneine A. Lambert to the Gainesville Energy Advisory Committee. for vacancy to expire September 30, 2005.  
Commissioner Braddy: Lambert*

*Commissioner Bryant: Lambert  
Commissioner Chestnut: Lambert  
Commissioner Domenech: Lambert  
Commissioner Lowe: Lambert  
Commissioner Nielsen: Lambert  
Mayor Hanrahan: Lambert*

**040933****Advisory Board/Committee Appointment of Susan Brown to the Nature Centers Commission (NB)****RECOMMENDATION**

*The City Commission reappoint Susan Brown to the Nature Centers Commission for term to expire November 1, 2007.*

*Commissioner Braddy: Brown  
Commissioner Bryant: Dowie  
Commissioner Chestnut: Dowie  
Commissioner Domenech: Dowie  
Commissioner Lowe: Brown  
Commissioner Nielsen: Brown  
Mayor Hanrahan: Brown*

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**040934****Advisory Board/Committee Appointment of Joanne J. Orrick to the Public Recreation Board (NB)****RECOMMENDATION**

*The City Commission reappoint Joanne J. Orrick to the Public Recreation Board for term to expire June 1, 2007. Commissioner Braddy: Orrick*

*Commissioner Bryant: Orrick  
Commissioner Chestnut: Orrick  
Commissioner Domenech: Stone  
Commissioner Lowe: Orrick  
Commissioner Nielsen: Orrick  
Mayor Hanrahan: Orrick*

**040935****Advisory Board/Committee Appointments of Staci H. Graff and Ronnie A. Lovler to the Regional Transit System Advisory Board (NB)****RECOMMENDATION**

*The City Commission appoint Staci H. Graff and Ronnie A. Lovler to the Regional Transit System Advisory Board for terms to expire June 1, 2007.*

*Commissioner Braddy: Graff and Lovler  
Commissioner Bryant: Graff and Lovler*

*Commissioner Chestnut: Graff and Lovler  
Commissioner Domenech: Graff and Lovler  
Commissioner Lowe: Graff and Lovler  
Commissioner Nielsen: Graff and Lovler  
Mayor Hanrahan: Graff and Lovler*

**040936****Resignation of Advisory Board/Committee Member Sandra Greenwood (B)****RECOMMENDATION**

*The City Commission accept the resignation of Sandra Greenwood from the Gainesville/Alachua County Cultural Affairs Board effective immediately.*

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**040937****Resignation of Advisory Board/Committee Member Dikassa Dixon (B)****RECOMMENDATION**

*The City Commission accept the resignation of Dikassa Dixon from the Citizens Advisory Committee for Community Development effective January 6, 2005.*

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**040938****Resignation of Advisory Board/Committee Member William Holt (B)****RECOMMENDATION**

*The City Commission accept the resignation of William Holt from the Citizens' Advisory Committee for Community Development effective January 18, 2005.*

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040938\_HoltWilliamThankYou.pdf

**040965****Resignation of Advisory Board/Committee Member Marty R. Eskridge (B)****RECOMMENDATION**

*The City Commission accept the resignation of Marty R. Eskridge from the Gainesville Code Enforcement Board effective February 8, 2005.*

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**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PUBLIC WORKS COMMITTEE, CONSENT**

**030606**

**Gainesville Creeks Summit II (NB)**

*Explanation: On December 14, 2004, the Public Works Committee discussed the outcome of the Gainesville Creeks Summit II that was held on October 14-15, 2004 at the Paramount Resort on Bivens Arm. One hundred people attended the Creeks Summit, which brought together citizens and local, state, and regional experts to discuss urban creek system issues and solutions for protecting the clean, abundant water upon which we all depend. Further details on Creeks Summit II can be reviewed at [www.gainesvillecreeks.org](http://www.gainesvillecreeks.org).*

*Additionally, staff is implementing a community outreach program as an effort to further educate the Gainesville community regarding the creek system. The Public Works Committee recommends this item be removed from the Public Works Active Referral List.*

*Fiscal Note: None.*

**RECOMMENDATION**

*The City Commission remove this referral from the Public Works Committee Active Referral List.*

**Legislative History**

11/10/03	City Commission	Continued (7 - 0)	
11/24/03	City Commission	Referred (5 - 0 - 2 Absent)	Public Works Committee
12/16/03	Public Works Committee	Discussed	
3/8/04	Public Works Committee	Discussed	
8/4/04	Public Works Committee	Heard	
12/14/04	Public Works Committee	Approved as Recommended	

**PUBLIC SAFETY COMMITTEE, CONSENT**

**040842**

**Federal Law Enforcement Contraband Forfeiture Trust Fund Funding for Night Vision Goggles (NB)**

*Explanation: On July 8, 1996, the City Commission approved the Inter-Agency Agreement for a Joint Aviation Unit between the Alachua County Sheriff's Office (ACSO) and the City of Gainesville's Police Department. The Gainesville Police Department Aviation Unit operates one OH-6 helicopter and staffs one full-time aircrew (pilot and tactical flight officer). This request is to purchase two (2) sets of Night Vision Goggles (NVG's) for use while conducting night flights. NVG's are safety equipment that allow the flight crew to safely land the helicopter at*

night in case of an emergency. The use of NVG's has prevented helicopter crashes in several jurisdictions that have used them during actual emergencies. NVG's also provide a visual enhancement during nighttime hours and can assist police officers on the ground in locating criminal suspects and missing persons. The cost for two (2) pair of NVG's and the necessary mounting hardware is not expected to exceed \$21,000.

*Fiscal Note: Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per 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 this account is \$1,860,695. The balance is adjusted to account for pending items.*

**RECOMMENDATION**

*The City Commission approve the appropriation and expenditure of an amount not to exceed \$21,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of Night Vision Goggles for the Joint Aviation Unit.*

**AUDIT & FINANCE COMMITTEE, CONSENT**

**040906**

**Review of the Gainesville Regional Utilities Purchasing Bid Process (B)**

*Explanation: In accordance with our Fiscal Year 2003 - 2004 Annual Audit Plan, we have completed a review of the Gainesville Regional Utilities Purchasing Bid Process. Our report and the General Manager's response are attached.*

*We request that the Committee recommend the City Commission accept our report and the General Manager's response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit and Finance Committee.*

**RECOMMENDATION**

*The Audit and Finance Committee recommends that the City Commission: 1) Accept the City Auditor's report and the General Manager's response; and 2) Instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit and Finance Committee.*

**Legislative History**

1/31/05      Audit and Finance      Recommended for Approval  
                     Committee

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**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****040954****Special City Commission Meetings (NB)****RECOMMENDATION**

*The City Commission: 1) schedule a special meeting on March 7 @ 6:00 pm regarding Long Term Energy Supply Plan - City Hall Auditorium (Note: City would not be able to participate in the Tower Road discussion) and; 2) discuss holding a joint meeting with the Alachua County Commission regarding Fire/EMS Services - Jack Durrance Auditorium (Note: MTPO may be cancelled on March 10, 1:30 pm).*

**CITY MANAGER****040945****ARTSREACH exhibits (NB)**

*Explanation: Art in City Hall features a three-person exhibition titled "Old and New." On display will be intaglio solar prints by Joseph Bartlett, digital prints by Joanna Clark and stone lithography by Stewart J. Thomas. The local business sponsor is Goerings Book Store. The Show runs through May 6, 2005.*

*Art in the County Administration Building features a two-person exhibition titled "Past and Present." On display will be paintings by Bennie Edwards and Classical Antiquities prints using lead, charcoal and photocopy ink medium transfers by Leon Hicks. The local business sponsor is Creative Workshop. The show runs through May 6, 2005.*

*Art in the Airport features a two-person exhibition titled "Between Heaven and Earth, Scenes and Symbols." On display will be paintings by Stacey A. Breheny and sculpture by Garnette Hathaway. The local business sponsors are: Central Florida Office Plus and Ivey's Grill. The show runs through May 6, 2005.*

*For a glimpse of the entire ARTSREACH 2004-2005 Exhibition Schedule with images for each show, go to: [www.gvlculturalaffairs.org](http://www.gvlculturalaffairs.org). Click on Programs/Events, go to ARTSREACH and go to 2004-2005 Exhibition Schedule.*



*Fiscal Note: Expenses for these exhibitions are funded from the sponsors and the Department of Cultural Affairs fund account.*

**RECOMMENDATION**

*The City Commission hear a brief presentation by Donna Born Drake, ARTSREACH Coordinator for the Department of Cultural Affairs.*

**040955**

**Alachua County Sheriff's Office Update (NB)**

**RECOMMENDATION**

*The City Commission hear a presentation from Sheriff Stephen Oelrich.*

**040944**

**Interfaith Hospitality Network of Greater Gainesville (NB)**

*Explanation: In recent meetings of the Ad Hoc Committee on Homeless Concerns, the Executive Director of Interfaith Hospitality Network of Greater Gainesville (IHN) expressed the need to raise the visibility of the local congregations that participate in IHN, in hopes of showing what is currently being done to help the homeless. By doing so, it is hoped that other faith congregations would be willing to become part of IHN, either as a host congregation or as a supporting congregation. This presentation before the City Commission is one way to promote IHN's efforts to add local congregations that can provide emergency shelter for homeless families under the IHN umbrella. Several presentations will be made by IHN over the next few months to encourage participation in the program.*

*Fiscal Note: The City currently provides \$10,000 from its CDBG Program to support the Interfaith Hospitality Network of Greater Gainesville.*

**RECOMMENDATION**

*The City Commission hear a presentation from the Executive Director of Interfaith Hospitality Network of Greater Gainesville.*

**040946**

**Funding for Purchase of New Gainesville Police Department Annex and Construction and Renovation to Existing Facilities (NB)**

*Explanation: At the City Commission retreat in 2004 and as part of their goal-setting session, a new police facility was identified as a priority. A spatial needs assessment was conducted and it was determined the need was for approximately 140,000 square feet of building space to be located on approximately 4.74 to 7.15 acres. The total cost for the project, not including the land acquisition, was approximately \$23,000,000.*

*During fiscal year 2004, the Gainesville Police Department renovated an existing structure to the rear of the main building that was ultimately turned into the Property and Evidence Building. This freed up approximately 4,000 square feet of much needed office space. Several other renovations to the main building were accomplished as a result of these moves; however, functionally the main building remains obsolete and office and parking space is at a premium.*

*The Gainesville Police Department is looking to acquire and renovate a structure and property with approximately 14,000 square feet of space and as many as 50 additional parking spaces. If the proposal is approved, GPD would also utilize available funds to renovate the new facility structure, renovate the existing building, and refurbish the Special Investigations Division (Narcotics Unit) structure, which has had no significant remodeling in at least twenty years, and consequently is in need of extensive repairs.*

*The purchase of the building would allow the Gainesville Police Department to expand and capture much needed office space at a fraction of the cost of constructing a new police facility. Based on the totality of options available, this alternative can accomplish the goal of the City Commissioners to provide additional space for the police department, without an enormous debt service, and eliminate the need to build a new police facility for at least the next ten years.*

*If approved by the City Commission, we are proposing to add this project to the First Florida Governmental Financing Commission Revenue Bond, Series 2005 issue that the Commission authorized at the meeting of January 24th. These bonds are scheduled to be priced and sold on February 17th, with the bond closing and distribution of proceeds to the borrowers targeted for March 10th. The addition of this project is well within the not to exceed loan amount of \$6 million previously authorized in the Series 2005 resolution.*

**Fiscal Note:** *Existing Federal Law Enforcement Contraband Forfeiture Trust funds will be utilized to contribute to the cost of renovating the structure. Funds for this contribution are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per 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 City's FFGFC Series 2001 Bonds will be paid off as of July 1, 2006. The recurring revenues previously appropriated for the debt service on these bonds will be available to meet the balance of the debt service requirements on the police facility from fiscal year 2007 forward.*

**RECOMMENDATION**

*The City Commission approve the appropriation and funding for the purchase, construction and renovation expenses related to the Gainesville Police Department's current and new facility.*

**GENERAL MANAGER FOR UTILITIES****040961****An Ordinance Amending Chapter 2 of the Gainesville Code of Ordinances (B)**

*Explanation: Administrative, professional, and managerial personnel (herein referred to as "overtime exempt employees") are paid an annual salary to perform services for the City and as such are expected to work the hours reasonably necessary to execute the job for which they were hired. However, from time to time extraordinary demands are placed upon the City's employees due to extraordinary events including: civil emergencies such as the Student Murders of 1990, severe storms such as the Storm of Century of 1993, natural disasters such as Hurricanes Frances and Jeanne of 2004, and other significant community/system upsets. The City has had a practice of awarding supplemental compensation to affected exempt employees (not including Senior Management) in recognition of the significant additional hours of work, hardship and expense the employee and his/her family must bear in order to respond to the needs of the community as a whole. Recent revisions to the Federal Fair Labor Standards Act have made the supplemental compensation of overtime exempt employees much more straight forward without jeopardizing their exempt status. Therefore, it is easier now to prepare and enact a supplemental compensation ordinance applicable to such extraordinary events.*

*Staff has proposed a policy that would authorize Charter Officers to pay exempt employees at specified levels of the organization a one-time lump sum payment for working authorized extended hours during a time of declared emergencies, whether providing mutual aid services or local disaster recovery services. This policy, if adopted, would supplement the authorization adopted in 1992.*

*The ordinance contemplated by management would authorize the payment of lump sum compensation for declared emergencies that have been deemed eligible for reimbursement from state, federal and/or other external sources and for services provided to other agencies when reimbursement is to be provided under mutual aid agreement provisions. The ordinance would also allow for the potential authorization of one time lump sum payments under other broadly defined catastrophic event circumstances only after prior ratification by the City Commission should such events occur in the future.*

*In order to develop an appropriate and fair methodology, staff surveyed other cities and municipal utilities to benchmark a proposal (see additional backup documentation). Based upon this information, the staff proposal is among the more conservative policies. Staff proposes that the first four additional hours worked during each seven-day period of a designated event would be treated as a deductible (meaning no additional compensation). Such deductibles shall not be prorated. Once all deductibles have been applied for an event, the next forty hours would be compensated generally as administrative leave (as provided in Personnel Policy 22 for extraordinary cases), thereafter all additional hours worked would be paid as outlined below. The deductibles and administrative leave provisions described above would not be required when mutual aid*

*agreement reimbursement provisions allow for the payment of supplemental direct compensation to exempt employees for all hours worked.*

*The policy provides different rates of pay depending upon the level of exempt employees. Professionals, Administrative, and Managers (frontline) would receive time and one-half pay for additional hours worked. Middle Managers would receive straight time pay. Senior Managers would not be eligible for additional compensation regardless of the number of hours they worked. (Note: The definitions used to specify levels of exempt employees (i.e., Professional, Administrative, and Manager; Middle Manager; and Senior Manager) are those set forth in the Affirmative Action Plan document.)*

*Since hurricanes Frances and Jeanne impacted our area back-to-back with very little time between events, staff proposes that the City treat these two events as a combined event for purposes of this policy. The cost to the City for retroactively implementing the proposed Policy will be approximately \$123,380 (\$96,900 for GRU and \$26,480 for General Government). The estimated total cost for hurricanes Frances and Jeanne is greater than \$11 million, excluding any potential reimbursements from FEMA or the state. The proposed policy payments would amount to approximately 1% of the total estimated cost of hurricanes Frances and Jeanne.*

*Fiscal Note: Given the very limited scope of circumstances that would warrant exercising the provisions of this ordinance, the fiscal impact is projected to be minimal. In many instances supplemental compensation expenses may be eligible for reimbursement by the Federal Emergency Management Agency and possibly other sources if the City has enacted an ordinance to effect such payments in advance of the catastrophic event. General Government and GRU recommend that payments for Hurricanes Frances and Jeanne, if authorized, be funded from current departmental budgets.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 2 of the Gainesville Code of Ordinances authorizing the award of Supplemental Compensation to Administrative, Professional, and Managerial Employees under certain limited circumstances, providing a severability clause, and providing a retroactive effective date, based upon a policy prepared by staff.*

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**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)****COMMUNITY DEVELOPMENT COMMITTEE****040025****Update of City's Housing Code (B)**

*Explanation: The City Commission referred the proposed housing code update to the Community Development Committee on June 14, 2004. The Committee discussed this item twice. Code enforcement and legal staff have reviewed the recommended housing code changes with the Committee. One of the major changes is that all repairs now need to be of a workmanlike quality. Another major change is that when violations in rental properties are particularly dangerous then the City can require action in less than 15 days (the current minimum).*

*Fiscal Note: None*

**RECOMMENDATION**

*Community Development Committee to City Commission: 1) authorize the City Attorney to draft an update to the City's housing ordinance in substantially the form discussed by the Committee; and 2) remove this item from the referral list.*

**Legislative History**

6/14/04	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
6/14/04	City Commission	Referred Community Development Committee
6/24/04	Community Development Committee	Continued
8/5/04	Community Development Committee	Approved as Recommended
9/20/04	Community Development Committee	Continued
11/4/04	Community Development Committee	Continued
11/15/04	Community Development Committee	Approved as Recommended
1/6/05	Community Development Committee	Approved as Recommended

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**030166****Bicycle Parking Requirements (B)**

*Explanation: Originally, this was a referral from the City Commission to the Public Works Committee. The Public Works Committee reported its recommendations back to the City Commission. When that referral from the Public Works Committee came back to the City Commission, the City Commission heard concerns from the Bicycle Pedestrian Advisory Board and, referred the item to the Community Development Committee on May 10, 2004 for further discussion and development of recommendations.*

*The Community Development Committee discussed the item several times. The issue is whether the City's Land Development Code should be amended to allow for a reduction in the number of required parking spaces if it is determined there will be a smaller demand for bicycle parking for particular uses. Currently there is no provision in the code to reduce bicycle parking. Staff and the Community Development Committee discussed that there may be some particular uses that could be eligible for reductions in required bicycle parking spaces because of their reduced likelihood of having many patrons arrive by bicycle. The Community Development Committee asked that the draft be modified to ensure that the reduction would never decrease the number of bicycle spaces to less than 50% of the usually required amount.*

*Fiscal Note: None*

**RECOMMENDATION**

*Community Development Committee to the City Commission: 1) initiate a petition to the City Plan Board amending the draft regulations so the bicycle parking requirement is never reduced to less than 50% of the usual required amount; and 2) remove this item from the referral list.*

**Legislative History**

7/14/03	City Commission	Referred (7 - 0)	Public Works Committee
12/16/03	Public Works Committee	Discussed	
4/5/04	Public Works Committee	Referred	City Plan Board
5/10/04	City Commission	Referred (4 - 3)	Community Development Committee
6/24/04	Community Development Committee	Continued	
8/5/04	Community Development Committee	Approved as Recommended	

9/20/04	Community Development Committee	Continued
10/7/04	Community Development Committee	Approved as Recommended
12/6/04	Community Development Committee	Continued
1/6/05	Community Development Committee	Approved as Recommended
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**040187****Community Wide Plan to End Homelessness (NB)**

*Explanation: At the January 6, 2005 meeting of the Community Development Committee, the Committee discussed whether to increase the number of meals allowed at food distribution centers for the needy (such as St. Francis House). (The Committee had previously addressed, at its December 6, 2004 meeting, the issue of increasing the beds limit at residences for destitute people from 30 to 35, and had presented its recommendations to the City Commission on January 10, 2004. The Commission moved that recommendation and initiated a petition to the City Plan Board to increase the beds limit.)*

*The Committee discussed that the meals limit of 75 (plus meals for those who reside there), had been adopted initially as a part of a model to encourage dispersal of such uses and of their impacts on any one area. Those present discussed the growth in the community and demand for such services, along with impacts of such facilities and efforts to ameliorate the impacts. The Committee concluded that the limit should be raised from 75 to 130.*

*(The issue of meal limits for residences for destitute people as accessory use to places of religious assembly - facilities like Interfaith Hospitality Network - has arisen from time to time. For those uses, the code simply says, "meals may be provided only to residents. Staff interprets that no change is needed to that code, since staff interprets it as allowing three (or however many) meals a day to residents of facilities such as Interfaith Hospitality Network.)*

*Fiscal Note: None*

**RECOMMENDATION**

*Community Development to City Commission - Raise the limit of meals served at food distribution centers for the needy to 130.*

**Legislative History**

7/12/04	City Commission	Referred (7 - 0)	Community Development Committee
8/5/04	Community Development Committee	Approved as Recommended	

9/13/04	City Commission	Continued (6 - 0 - 1 Absent)	
10/11/04	City Commission	Approved, as shown above	
10/11/04	City Commission	Referred	Community Development Committee
10/11/04	City Commission	Referred	City Manager
11/4/04	Community Development Committee	Continued	
11/15/04	Community Development Committee	Continued	
11/22/04	City Commission	Heard	
1/6/05	Community Development Committee	Approved as Recommended	
1/10/05	City Commission	Approved, as shown above (7 - 0)	
1/24/05	City Commission	Approved as Recommended (7 - 0)	
		040187_200502281300.pdf	
		040187_200501241300.pdf	
		040187_200501101300.pdf	

## ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

### 040840

#### Charter Review Committee (B)

##### RECOMMENDATION

*The City Commission appoint a seven member Charter Review Committee with a sunset date of June 30, 2006.*

##### Legislative History

1/10/05 City Commission Approved, as shown above (7 - 0)

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## OUTSIDE AGENCIES

### 040922

#### Nomination - Library District Board of Trustees (B)

*Explanation: The Library's Board of Trustees consists of seven (7) members appointed by the Library Governing Board. Three (3) of the seven members are City of Gainesville representatives, three (3) are Alachua County representatives, and one (1) is a representative of the League of Cities. City Representative Nancy Peterkin's term will expire on March 31, 2005. Ms. Peterkin has served one term and is eligible to serve one additional three year term at this time.*

*The Library District advertised one City of Gainesville, one Alachua County, and one League of Cities vacancy from November 8, 2004 through January 7, 2005 and received a total of four applications for the one City vacancy. The Library Governing Board is requesting nomination of three applicants for*



*consideration for appointment by the Library District Governing Board.*

*The Library Governing Board would like to receive the City Commission's nominations by March 1, 2005 in order to make an appointment prior to the April 20, 2005 Board of Trustees meeting.*

*Attached is a copy of the four applications received for the City vacancy and a list of the current Trustees.*

**RECOMMENDATION**            *The City Commission nominate three Board of Trustees applicants for consideration for appointment by the Library District Governing Board.*

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## **MEMBERS OF THE CITY COMMISSION**

**040964**

**Commissioner Edward Braddy - Development Review Process (NB)**

**RECOMMENDATION**            *The City Commission reconsider the following motion: adopt the Economic Development/University Community Committee's recommendation with two modifications: 1) Change recommendation 3 to "restructure" neighborhood meetings eliminating the newspaper advertisement and that a neighborhood meeting need not be held if there are not (at least) five responses of those interested in participating; and 2) that a natural scientist be included on the DRB.*

**040963**

**Mayor Pegeen Hanrahan - Support of Transportation Bill SB 542 (B)**

**RECOMMENDATION**            *The City Commission authorize a letter of support for Transportation Bill SB 542.*

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**COMMISSION COMMENTS (if time available)**

**CITIZEN COMMENT**

**COMMISSION COMMENTS (if time available)**

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

*Girl Scout Troop #315; Cindy Larkert, Troop Leader*

**PROCLAMATIONS/SPECIAL RECOGNITIONS****040951****Hurricane Heroes Day - February 14, 2005 (B)**

**RECOMMENDATION**      *General Manager for Utilities Mike Kurtz and Interim City Manager Barbara Lipscomb to accept the proclamation.*

040951\_Hurricane\_Heros.pdf

**040952****Future Business Leaders of America - Phi Beta Lambda Week - February 9-15, 2004 (B)**

**RECOMMENDATION**      *University of Florida Phi Beta Lambda and Florida State Phi Beta Lambda President Seabron Chad Fears to accept the proclamation.*

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**040953****Library Appreciation Month - February 2005 (B)**

**RECOMMENDATION**      *Alachua County Library District Director Sol M. Hirsch and Governing Board Vice Chair Craig Lowe to accept the proclamation.*

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**PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****040874****CHAPTER 8 AMENDMENTS RELATING TO DISCRIMINATION (B)****Ordinance No. 0-05-18**

**An ordinance of the City of Gainesville, Florida; amending Chapter 8 of the Code of Ordinances of the City of Gainesville relating to discrimination; amending Section 8-22 relating to the Human Rights Board meetings; Section 8-51 relating to the processing of equal opportunity complaints; and Section 8-95 relating to the processing of fair housing complaints; 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 January 24, 2005, authorized the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 8 of the Code of Ordinances relating to the Human Rights Board meetings, the processing of equal opportunity complaints, and the processing of fair housing complaints.

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

**Legislative History**

1/24/05            City Commission            Approved as Recommended (7 - 0)

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## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

### 040409

#### URBAN SERVICES REPORT - UF FOUNDATION (B)

##### **Ordinance No. 0-05-15**

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

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

*The report must generally include the following information:*

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

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

*annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;*

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

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

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

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

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

*If adopted on first reading, this ordinance shall be heard on second reading on February 14, 2005. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.*

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

**Legislative History**

9/13/04	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
1/24/05	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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**040514**

**LAND DEVELOPMENT CODE AMENDMENT - DIRECTIONAL SIGNS FOR COMMERCIAL DEVELOPMENTS OVER 300,000 SQUARE FEET (B)**

**Ordinance No. 0-05-07; Petition 149TCH-04 PB**

**An ordinance of the City of Gainesville, Florida, creating subsection 30-318(h), City of Gainesville Code of Ordinances, allowing directional signage for non-residential developments with a minimum of 300,000 square feet of floor area under certain conditions; 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*

*In 1992, the City of Gainesville annexed the Oaks Mall and some of the surrounding area. The current zoning for the mall is BUS (general business district), while the current land use designation of the property is C (commercial). The sign provisions of the Land Development Code regulate signage for the property. The petitioner is requesting an amendment to allow larger directional signage.*

*Staff recommends that directional signs be allowed for large-scale non-residential developments that contain more than 300,000 square feet of floor area. Staff does not recommend limiting these signs to retail shopping facilities. Large office complexes and hospitals are examples of uses that may have 300,000 square feet of floor area and where directional signs may be appropriate. Directional signs would not be exempt from the provisions of the sign regulations and would be subject to review just as other commercial signs are. Staff is also recommending that the method to measure sign area not be changed from the existing provisions. Under these provisions, the base of a monument sign counts towards the sign area unless the base area is sufficiently landscaped to screen it from view. This applies to up to 3 feet of the height of the base.*

*Public notice was published in the Gainesville Sun on October 5, 2004. The Plan Board held a public hearing October 21, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 149TCH-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, February 14, 2005.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

1/24/05 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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**040662**

**LAND DEVELOPMENT CODE AMENDMENT - SPORTING GOODS AND BICYCLE SHOPS AS ALLOWED USE BY RIGHT IN AUTOMOTIVE-ORIENTED BUSINESS DISTRICT (B)**

**Ordinance No. 0-05-11; Petition 183TCH-04 PB**

**An ordinance of the City of Gainesville, Florida, amending the Land**

**Development Code, relating to the automotive-oriented business (BA) district; amending subsection (c) of section 30-62; adding Sporting Goods Stores and Bicycle Shops (IN 5941) as an allowed use by right in the Automotive-oriented business district; 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*

*This petition proposes to add, as a use by right, Sporting Goods Stores and Bicycle Shops (IN 5941 from the Standard Industrial Classification (SIC) Manual (1987 edition)) to the BA (Automotive-oriented business district) zoning district. Examples of the types of retail stores under this category are shops selling: ammunition, bicycle and bicycle parts, camping equipment, golf goods and equipment, playground equipment, sporting goods stores, and tennis goods and equipment.*

*While the BA district is primarily established to accommodate automotive sales, services, and related activities, other commercial uses are allowed in the district. These include uses such as: building materials, hardware, garden supply and mobile home dealers (MG-52); home furniture, furnishings, and equipment stores; and hot tubs, swimming pools, whirlpool baths, retail only.*

*The BA district also permits the outdoor storage and sale of retail goods. Many of the uses under IN5941) would benefit from accessory outdoor storage and display of their goods. Examples are: camping equipment, golf goods and equipment, and playground equipment.*

*Planning staff finds that Sporting Goods Stores and Bicycle Shops are not incompatible with the automotive-oriented nature of the BA district, and many of these uses may need the accessory outdoor display, storage and sales provisions available under this district.*

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

*Public notice was published in the Gainesville Sun on November 16, 2004. Letters were mailed to owners of property zoned BA on November 17, 2004. The Plan Board held a public hearing December 2, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 183TCH-04 PB. Plan Board vote 6-0.*

*CITY ATTORNEY MEMORANDUM*

*This ordinance requires two public hearings. If adopted on first reading; the second and final reading will be held on Monday, February 14, 2005.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

1/24/05 City Commission Approved (Petition) and Adopted on First Reading  
(Ordinance) (6 - 0 - 1 Absent)  
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## RESOLUTIONS- ROLL CALL REQUIRED

### 040910

**A resolution of the City Commission of the City of Gainesville, Florida; designating recently acquired park area for purposes of chapter 18 enforcement; requiring each park so listed to be posted as a City park, including posting of operating hours; providing an immediate effective date (B).**

*Explanation: The City Commission, at its meeting of January 24, 2005, authorized the City Attorney to prepare a resolution to identify and designate recently acquired City lands as city parks so the City can enforce its codes within these park areas. Pursuant to the Code, all park areas are to be posted with notice indicating that they are City parks and giving the park hours.*

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

**Legislative History**

1/24/05 City Commission Referred (7 - 0) City Attorney  
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### 040947

**Resolution for Maintenance Agreement with FDOT for a Retention Pond Enhancement Project (B)**

*Explanation: The Florida Department of Transportation (FDOT) is preparing to undertake a project known as the retention pond enhancement project on the west end of State Road 26A behind the City of Gainesville Fire Station. The project requires agreement by the City to maintain the property improvements including the fountain, lighting, street furniture, landscaping, sidewalks and all pertinent items associated with the project. Upon completion and acceptance, the City will assume responsibility for maintenance of all items of enhancement.*

*Fiscal Note: Funds to maintain the retention pond will be absorbed in the operating budgets for both the Public Works and Recreation and Parks Departments.*

**RECOMMENDATION** The City Commission adopt the Resolution.

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## PLAN BOARD PETITIONS

### 030753

**Pursuant to Section 30-192(b) of the Gainesville Land Development Code, vacate, abandon, and close a portion of the east side of North Main Street**

**in the 3300 block (Petition 152SVA-03 PB). (B)**

*Explanation: The petitioner is proposing to close a section right-of-way in the 3300 block of North Main Street that was received by the City in 1972 for the purpose of a frontage road. The street vacation is requested to display vehicles for sale. The right of way (not including the existing road and sidewalk) is 35 feet wide in this section. The proposed street vacation will not affect the width of the paved street nor will it include the public sidewalk. Currently GRU has water, wastewater, electric and gas in the right-of-way, and street trees are planted along the sidewalk.*

*The Plan Board, on January 15, 2004, reviewed the criteria for vacating the right-of-way and recommended that the petition be continued until the non-compliant auto display was removed from the right-of-way and a development plan, including a survey of the existing public improvements and street trees in the subject right-of-way, has been approved for any future display of vehicles on the area to be vacated.*

*The petitioners have submitted an approvable minor plan providing new landscaping and specific display spaces within the area to be vacated. The City Plan Board, on January 20, 2005, recommended the petition be approved, with the condition that an easement be retained by GRU over the entire area to be vacated and with staff conditions.*

*The proposed street vacation does not create any obligation with regard to concurrency.*

*Public notice was published in the Gainesville Sun on January 4, 2005. Letters were mailed to surrounding property owners on January 5, 2005. The Plan Board held a public hearing January 20, 2005.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve petition 152SVA-03 PB with the condition that GRU retain a public utilities easement over the entire right-of-way and with staff conditions.*

*Staff to Plan Board - Approve petition 152SVA-03 PB with the condition that GRU retain a public utilities easement over the entire right-of-way and with staff conditions.*

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**030754**

**Pursuant to Section 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close a portion of the east side of North Main Street in the 3400 block (Petition 153SVA-03 PB). (B)**

*Explanation: The petitioner is proposing to close a section right-of-way in the 3400 block of*



*North Main Street that was received by the City in 1972 for the purpose of a frontage road. The street vacation is requested to display vehicles for sale. The right of way (not including the existing road and sidewalk) is 35 feet wide in this section. The proposed street vacation will not affect the width of the paved street nor will it include the public sidewalk. Currently GRU has water, wastewater, electric and gas in the right-of-way, and street trees are planted along the sidewalk.*

*The Plan Board, on January 15, 2004, reviewed the criteria for vacating the right-of-way and recommended that the petition be continued until the non-compliant auto display was removed from the right-of-way and a development plan, including a survey of the existing public improvements and street trees in the subject right-of-way, has been approved for any future display of vehicles on the area to be vacated.*

*The petitioners have submitted an approvable minor plan providing new landscaping and specific display spaces within the area to be vacated. The City Plan Board, on January 20, 2005, recommended the petition be approved, with the condition that an easement be retained by GRU over the entire area to be vacated and with staff conditions.*

*The proposed street vacation does not create any obligation with regard to concurrency.*

*Public notice was published in the Gainesville Sun on January 4, 2005. Letters were mailed to surrounding property owners on January 5, 2005. The Plan Board held a public hearing January 20, 2005.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve petition 153SVA-03 PB with the condition that GRU retain a public utilities easement over the entire right-of-way and with staff conditions.*

*Staff to Plan Board - Approve petition 153SVA-03 PB with the condition that GRU retain a public utilities easement over the entire right-of-way.*

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**040753**

**Pursuant to Section 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close all the right of way of Southeast Veitch Street lying north of Southeast 10th Avenue and approximately 100 feet west of Southeast 4th Street (Petition 150SVA-04 PB). (B)**

*Explanation: The purpose of this request is to vacate a portion of Veitch Street right-of-way so that the City of Gainesville's Regional Transit System (RTS) can incorporate it into the bus compound. RTS uses a portion of Veitch Street for the parking of*

buses and ingress/egress from the bus compound. This portion of right-of-way was improved with some asphalt and the remainder has graded and compacted limerock or dirt.

This portion of Veitch Street is not an improved connector between Southeast 4th Street and Southeast 10th Avenue, so the general public does not use it. Public traffic goes one-tenth mile further south on Southeast 4th Street and connects to Southeast 10th Avenue. Crossing this existing portion of Veitch Street right-of-way, RTS has use of adjacent properties acquired from CSX Transit and Depot Fuels for expansion of the bus compound. Veitch Street now severs the RTS operation.

A condition is recommended, as follows: "No structures or trees to be permitted in the vacated area in order to provide operation and maintenance rights over the existing electric transmission and distribution, water, reclaimed water and communications facilities. This space needs to remain accessible (ingress and egress) to GRU crews and equipment."

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

Public notice was published in the Gainesville Sun on January 4, 2005. Letters were mailed to surrounding property owners on January 5, 2005. The Plan Board held a public hearing January 20, 2005.

*Fiscal Note: None*

**RECOMMENDATION**

City Plan Board to City Commission - The City Commission approve Petition 150SVA-04 PB, with condition. Plan Board vote 7-0

Staff to Plan Board - Approve, with condition.

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**040754**

**Pursuant to Sec. 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close that portion of Northeast 11th Terrace lying east of and adjacent to Lot 2, Block 6, Range 16 and North of the North right-of-way line of Northeast 12th Avenue (Petition 187SVA-04PB). (B)**

*Explanation: This petition involves a 30-foot wide strip of right-of-way that lies immediately east of a single-family residential lot located at 1116 Northeast 12th Avenue (Parcel No. 10492). The subject right-of-way extends from the north right-of-way line of Northeast 12th Avenue to the rear (southern) property line of a single-family residential lot located at 1111 Northeast 13th Place (Parcel No. 10572-026) for a distance of approximately 136 feet. Approval of this petition will allow the subject right-of-way to be combined with the residential lot immediately west as real property that is taxable.*

*According to the Public Works Department, the 30-foot wide strip of right-way proposed for vacation is part of Northeast 11th Terrace. This segment of Northeast 11th Terrace has remained unimproved since the construction of the Northeast 12th Street extension. The same was true of a segment of Northeast 11th Terrace located between the south right-of-way line of Northeast 12th Avenue and the north right-of-way line of Northeast 11th Avenue. The City vacated this segment in 1988. The traffic circulation that was originally intended for these two segments of Northeast 11th Terrace right-of-way on the plat for Elliot L'Engle Addition to Gainesville, Florida now takes place on the Northeast 12th Street extension. The Northeast 12th Street extension is a paved, two-lane street with concrete sidewalk along the west side.*

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

*Public notice was published in the Gainesville Sun on January 4, 2005. Letters were mailed to surrounding property owners on January 5, 2005. The Plan Board held a public hearing January 20, 2005.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 187SVA-04 PB, with conditions to retain an overall utility easement in the right-of-way to be vacated. Plan Board vote 7-0*

*Staff to Plan Board - Approve Petition 187SVA-04 PB, with conditions to retain an overall utility easement in the right-of-way to be vacated.*

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**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT**

**ADJOURNMENT - 8:11 PM**