

City of Gainesville

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



Meeting Agenda

May 19, 2011

1:00 PM

City Hall Auditorium

City Commission

*Mayor Craig Lowe (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Commissioner Randy Wells (District 4)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Thomas Hawkins (At Large)*

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

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

100931.

Increase Amount of Purchase Order for Lewis Oil Company for the Gainesville Police Department (NB)

Explanation: This is a request to add an additional \$160,000 to the Gainesville Police Department's purchase order for Lewis Oil Company for the purchase of fuel. Currently, there is \$663,013 on the purchase order and approximately \$365,193 has been spent as of April 11, 2011; which leaves a balance of \$297,819.22. This amount is not enough to cover GPD's fuel expenses until September 30, 2011 with the increase in fuel prices.

Fiscal Note: Funds in the amount of \$160,000 for this expenditure are available in the Gainesville Police Department's general fund overall budget.

RECOMMENDATION

The City Commission approve the increase of \$160,000 for the purchase order to Lewis Oil Company.

100932.

Federal Law Enforcement Contraband Forfeiture Trust Fund (FLECFTF) Funding for Equipment for the Local Florida Highway Patrol (NB)

This item requests that the City Commission appropriate and expend \$5,000 in funds from the Federal Law Enforcement Contraband Forfeiture Trust fund for equipment for the Florida Highway Patrol.

Explanation: The Special Investigations Unit and the Florida Highway Patrol worked in conjunction on an investigation and the federal forfeiture share for the case was given to the Gainesville Police Department. The amount of forfeiture was \$70,518.95. We requested \$22,292.00 on 4/7/2011; however due to a miscommunication, the equipment was more so we are requesting up to an additional \$5,000.

Fiscal Note: Funds for this expenditure in the amount of \$5,000 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 USC 881 found in the US Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The balance is \$1,822,448 unreserved fund balance from September 2010 Post Audit Financial Statements.

RECOMMENDATION *The City Commission approve the appropriation of \$5,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of appropriate equipment for the Florida Highway Patrol.*

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

100913.

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of April 7, 2011, April 14, 2011, April 21, 2011 and April 25, 2011, as circulated.*

100913_april 7, 2011_minutes_20110519.pdf
100913_april 14, 2011_minutes_20110519.pdf
100913_april 21, 2011_minutes_20110519.pdf
100913_april 25, 2011_minutes_20110519.pdf

100945.

Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION *The City Commission appoint the following:*

Mary Anderson to the Citizens Advisory Committee for Community Development for a term to expire 8/5/14.

Bryan Griffin to the City Beautification Board for a term to expire 8/5/14.

Cleopatre Thelus to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 8/5/14.

Randy Lander to the Public Recreation and Parks Board for a term to expire 6/1/14.

Choppy Hodes II to the Regional Transit System Advisory Board for a term to expire 6/1/14.

Ruth Visuete to the Student Community Relationship Advisory Board as a Non-Student Member for a term to expire 8/5/14.

Kinshasa Garrett to the Student Community Relationship Advisory Board as a Non-Voting Administrative Member for a term to expire 8/5/14.

Cleopatre Thelus to the Student Community Relationship Advisory Board as a Student Member for a term to expire 8/5/13.

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

100890.

Teresa Scott Named as One of the 2011 APWA Top Ten Leaders of the Year (NB)

This item is a presentation of the plaque by the American Public Works Association (APWA) to Teresa Scott, P.E., the City of Gainesville Department of Public Works Director, who has been named one of the 2011 APWA Top Ten Leaders of the Year.

Explanation: The Public Works Department established many goals under the leadership of an exceptional director, Teresa Scott, P.E., who continues to make room for

improvement for the betterment of the Gainesville community. The Public Works Department has made continual progress throughout the years under the leadership of Mrs. Scott. The Department's continual progress has been recognized on a national level through the American Public Works Association (APWA).

Annually, APWA recognizes Ten (10) of the most outstanding leaders in the public works profession from across the United States and Canada. These top leaders are selected by a panel of judges appointed by the APWA President. Members of this panel are a representation of the public works field and other agencies with active involvement in the public works profession. The intent of the award is to honor the public works' professional's career and accomplishments in the community through advancement of public works service and technology.

In March 2011, the Public Works Department proudly submitted an application to the APWA to highlight Mrs. Scott's career. Her remarkable influence has been reflected by integrity, innovation and dedication to the public works field. Teresa Scott has been named one of the 2011 APWA Top Ten Leaders of the Year.

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

RECOMMENDATION

The City Commission receive a plaque presented by APWA President-Elect, Diane Linderman, P.E., to Teresa Scott, P.E., the City of Gainesville Public Works Director.

100847

State of Florida Legislative Update (B)

The City Commission will be provided with an update of legislation filed during the Florida Legislature's 2011 Regular Session.

Explanation: The City Commission will be provided with an update by staff on legislation that was included in the city's legislative agenda. The update will also include an overview of legislation that was passed related to the city.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission: 1) receive the legislative update; and 2) determine if issues presented necessitate action of the City Commission.

Legislative History

4/7/11 City Commission Heard

100847_2011 State Agenda_20110407.pdf
 100847-MOD_Legislative Update_20110407.pdf
 100847-MOD_PowerPoint_20110407.pdf
 100847_MOD_PPT Session Review_20110519.PDF
 100847_MOD Memo_20110519.pdf

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

100705.

Affirmative Action Plan (B)

Explanation: Pursuant to Resolution No. 951377, the Office of Equal Opportunity has now completed the 2011 Affirmative Action Plan and wishes to share the results, goals, and associated action steps with the City Commission.

RECOMMENDATION

The City Commission: 1) hear a summary of the Affirmative Action Plan; and 2) receive the 2011 Affirmative Action Plan as prepared.

Legislative History

3/3/11	City Commission	Withdrawn
4/21/11	City Commission	Withdrawn

100705_2011 AA Plan_20110303.pdf
 100705a_2011 AA Plan_20110303.pdf
 100705b_2011 AA Plan_20110303.pdf
 100705c_2011 AA Plan_20110303.pdf
 100705d_2011 AA Plan_20110303.pdf
 100705e_2011 AA Plan_20110303.pdf
 100705f_2011 AA Plan_20110303.pdf
 100705g_2011 AA Plan_20110303.pdf
 100705h_2011 AA Plan_20110303.pdf
 100705i_2011 AA Plan_20110303.pdf
 100705j_2011 AA Plan_20110303.pdf
 100705k_2011 AA Plan_20110303.pdf
 100705l_2011 AA Plan_20110303.pdf
 100705m_2011 AA Plan_20110303.pdf
 100705_Summary Rpt_20110303.pdf
 100705_MOD_AA_Plan_ppt_20110519.PDF

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

Gator Detachment of the Marine Corp League Bob Gasche

PROCLAMATIONS/SPECIAL RECOGNITIONS

100950.

Memorial Day (B)

RECOMMENDATION

Gainesville Detachment of the Marine Corp League World War II Veteran Bob Gasche to accept the proclamation.

100950_MemorialDay_20110519.pdf

100951.

Harvey Milk Day (B)

RECOMMENDATION

Joseph Brown to accept the proclamation.

100951_HarveyMilkDay_20110519.pdf

100952.

National Water Safety Month (B)

RECOMMENDATION

Gene Bradley, Parks, Recreation & Cultural Affairs Aquatic Leader; Mike Davidson with High Tide Aquatics; Greg Mullersman with Gainesville Underwater Hockey Club and Will and Shelly Voelker with Noah's Endeavor to accept the proclamation.

100952_NatlWaterSafetyMonth_20110519.pdf

100953.

Qalqilya Sister City Day (B)

RECOMMENDATION

Steve Kalishman with the Sister City Program of Gainesville, Inc. and members of the Qalqilya delegation to accept the proclamation.

100953_QalqilyaSisterCityDay_20110519.pdf

100954.

Andrew R. Mickle, Sr. Day (B)

RECOMMENDATION

Andrew R. Mickle, Sr. to accept the proclamation.

100954_AndrewMickleSrDay_20110519.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

100856.

Resolution to Enter into a Maintenance Agreement with the State of Florida Department of Transportation (B)

This item is a Resolution for approval and authorization to enter into a Maintenance Agreement with the State of Florida Department of Transportation (FDOT), allowing the City of Gainesville to provide maintenance for the proposed 6th Street Rail Trail between SW 2nd Avenue and NW 10th Avenue.

Explanation: The City of Gainesville is proposing to construct the 6th Street Rail Trail between SW 2nd Avenue and NW 10th Avenue under a Local Agency Program (LAP) agreement with FDOT which is funding the construction. Therefore FDOT requires a Maintenance Agreement to be executed prior to construction of these betterments.

Fiscal Note: Funding in the amount of \$10,000 is available in the Public Works FY 2011 operating budget.

RECOMMENDATION

The City Commission adopt the Resolution.

Legislative History

4/21/11 City Commission Withdrawn

100856_Resolution_20110505.pdf

100966.

Amendment to the Florida Gas Utility Interlocal Agreement (B)

Explanation: Florida Gas Utility (FGU) was formed in September 1989 by Interlocal Agreement among five (5) original member utilities: The Kissimmee Utility

Authority and the following Cities: Gainesville, Homestead, Sebring and Starke for the purpose of jointly purchasing and scheduling of natural gas supply for the use of its members to take advantage of open access to transportation on the Florida Gas Transmissions (FGT) pipeline. FGU currently represents sixteen (16) municipal members consisting of both electric generating utilities and local distribution companies. Following several years of inactive membership in FGU, in August, 2006, the City Commission authorized staff to reinstate its FGU membership to allow participation in long term natural gas acquisition contracts in an effort to reduce customer exposure to volatile pricing.

GRU staff has determined it is in the best interest of our customers to maintain its membership status with FGU and therefore recommend approval of the amended Interlocal Agreement.

Fiscal Note: Fuel savings achieved as a result of long term natural gas supply transactions with FGU will be passed on to the customers.

RECOMMENDATION

The City Commission: 1) adopt the Resolution incorporating by reference Approving the Execution of the Third Amended and Restated Interlocal Agreement to be Executed among the Members of Florida Gas Utility; providing certain authorizations; providing an effective date; and providing certain other details with respect thereto; and 2) authorize the Clerk of the Commission, the General Manager and other Authorized Officers of the City (as defined in the Resolution) to execute such documents as may be necessary to execute the Third Amended and Restated Interlocal Agreement with Florida Gas Utility, which is attached in substantially the form hereto subject to the approval of the City Attorney as to form and legality.

Backup for CC Item #100966 FGU Resolution May 2011.pdf

Backup for Item #100966 FGU Agreement May 2011.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

100789.

PLANNED DEVELOPMENT AMENDMENT - FOXFIELD/CROWN POINT (B)

Ordinance No. 100789, Petition No. PB-11-2-PDA

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 2743 that rezoned the property to Planned Development, formerly known as "Foxfield, A Planned Development, and commonly known as Crown Point Planned Development"; generally located in the vicinity of N.W. 39th Drive and N.W. 16th Boulevard; by revising the list of permitted uses and adding certain conditions; providing for effectiveness of other ordinances; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request by the property owners of the Foxfield/Crown Point office park to update the list of permitted uses allowed by an existing Planned Development (PD) that governs the development. The office park is fully developed with infrastructure in place to support the development. The applicant is specifically requesting a text change to allow the office uses permitted by the City's current OF (General Office district) zoning. The proposed change will generally allow the following additional uses: correspondence schools, newspaper establishment, personal fitting and sale of prosthetic or orthopedic appliances, places of religious assembly, professional schools, exercise studio, business services, medical and dental laboratories, and compound uses (residential and non-residential use). This list is representative of the uses and not the entire list of uses that may be allowed.

The Plan Board reviewed and approved the petition with staff conditions. Plan Board voted 7-0.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of April 7, 2011 approved the petition that authorized the city attorney's office to prepare and the Clerk of the Commission to advertise the necessary ordinance amending the planned development "Foxfield, A Planned Development, commonly known as Crown Point Planned Development".

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

4/7/11 City Commission Approved (Petition) with Staff Conditions (7 - 0)

100789_staff report_20110407.pdf
 100789A_appendA_20110407.pdf
 100789B_append B_20110407.pdf
 100789C_CPB minutes_20110407.pdf
 100789D_staff ppt_20110407.pdf
 100789_draft ordinance_20110519.pdf

080481.**COMMERCIAL RECYCLING (B)****ORDINANCE NO. 080481**

An ordinance of the City of Gainesville, Florida, amending section 27-85 of the City of Gainesville Code of Ordinances, relating to mandatory commercial recycling; providing authorization for the imposition of a civil citation or surcharge against commercial generators who fail to separate recyclable materials; providing for inclusion of the surcharge on the utility bill; providing an appeal process; amending section 2-339 of the Code of Ordinances relating to the civil citation table of applicable codes and ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.

Explanation: The City Commission previously referred Strategic Initiative 7.2: Review the Status of Commercial Recycling Ordinances to the Recreation, Cultural Affairs

and Public Works Committee, who requested Solid Waste Division staff to research other communities recycling ordinances and suggest ways to establish effective penalties for commercial establishments not in compliance with the mandatory commercial recycling ordinance

As a result of the staff presentation to the committee at their November 8, 2010 meeting, the committee recommended an item be placed on the City Commission agenda directing the City Attorney to prepare an ordinance providing for a warning to be given to non-compliant businesses before issuing a violation notice with a compliance date; and providing for a surcharge in the amount of \$100 for a first offense, \$250 for a second offense, and \$500 for each subsequent offense to be applied to the GRU bill of a non-compliant business.

At its December 16, 2010, meeting the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the mandatory commercial recycling program. In drafting the ordinance the attorney's office concluded the "surcharge" as referenced was in essence a fine and the ordinance was drafted as such. The ordinance also includes a surcharge to offset the cost to the City if the City is required to separate the recyclables.

If approved on first reading, second and final reading will be June 2, 2011

RECOMMENDATION

The City Commission adopt the proposed ordinance and continue the second reading to June 16, 2011.

Legislative History

10/2/08	City Commission	Referred	Recreation, Cultural Affairs and Public Works Committee
2/12/09	Recreation, Cultural Affairs and Public Works Committee	Approved as Amended	
11/8/10	Recreation, Cultural Affairs and Public Works Committee	Discussed	
12/16/10	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	

080481_Initiative_20090212_RCAPW Committee.pdf
 080481A_SI 7.2 Quarterly Update_20101108.pdf
 080481B_Recycling Ordinance 27-85.pdf
 080481C_Enforcement Examples_20101108.pdf
 080481_Recycling Ordinance_20110519.pdf

100815.

CEMETERY REGULATIONS (B)

Ordinance No. 100815

An ordinance of the City of Gainesville, Florida, amending Section 7-15 of the City of Gainesville Code of Ordinances, relating to cemeteries; providing that the perpetual care certificate be signed by the city manager

or designee; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PARKS, RECREATION AND CULTURAL AFFAIRS DEPARTMENT STAFF REPORT

Gainesville City Code Chapter 7, Section 7-15 requires revision due to organizational changes that have occurred within the City of Gainesville's operations. Section 7-15, which currently stipulates that "Upon the payment of a perpetual care fee the director of finance is authorized to deliver to the purchaser a certificate evidencing the purchase, signed by him or her on behalf of the city."

Recently the Budget and Finance Department transferred responsibility for preparation and issuance of cemetery documents to the Parks, Recreation and Cultural Affairs Department.

Section 7-5, which also addresses signature authority, stipulates that the city manager or designee is authorized to execute certificates of interment on behalf of the city. City staff proposes that the language in Section 7-15 be modified to reflect that the perpetual care certificate be signed by the city manager or designee, which conforms with the language in Section 7-5.

CITY ATTORNEY MEMORANDUM

At its meeting on April 7, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance providing that the perpetual care certificate be signed by the city manager or designee.

This ordinance requires two readings. If approved on first reading, the second and final reading will be June 2, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/7/11 City Commission Approved as Recommended (6 - 0 - 1 Absent)

100815_Revision to Chapter 7_20110519.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

100327.

REZONING – PLANNED DEVELOPMENT FOR LEGACY FOUNTAINS, LLC (B)

Ordinance No. 100327, Petition No. PB-09-116PDV

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "PS: Public services and operations

district" to "Planned Development District"; located in the vicinity of 1420, 1424, 1428, 1432 Southwest 52nd Street; commonly known as "Legacy Fountains, LLC" Planned Development; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

This is a request to rezone 5.07 (MOL) acres of land from PS (Public service and operations district) to PD (Planned development district) to allow a neighborhood-scale, mixed-use development. The City of Gainesville adopted an associated small-scale land use amendment (Petition No. PB-09-115 LUC) that changed the previous REC (Recreation) land use category to PUD (Planned Use District) at a City Commission public hearing held on October 7, 2010. According to Policy 4.1.1 of the Future Land Use Element, PD (planned development) zoning is required to implement the PUD land use category.

Land surrounding the subject property is primarily zoned for multi-family residential development. One exception is City-owned property located on the north side of Southwest 20th Avenue, just east of I-75. This property is within a PS (Public services and operations district) zoning district and is used for utility purposes.

The proposed PD allows multi-family residential dwelling units and non-residential uses on the subject property. All of the allowable uses are permitted by right. The allowable uses will be housed in buildings that are up to 3 stories in height. The buildings will be designed to accommodate a vertical and horizontal mix of the allowable uses based on traditional design standards. The buildings may also be attached or detached.

Key issues affecting the development of the subject property include a Progress Energy easement that extends along the full length of the north property line. Permission to use the easement is addressed in an attached letter from Progress Energy, dated March 14, 2011. Since the October 7, 2010 public hearing, the applicant is also asking the City Commission to modify this rezoning request by allowing stormwater conveyance infrastructure within the designated Upland Areas (Zone C of the PD Layout Plan Map) that are required under Policy 1.1.1 f. of the Conservation/ Open Space/Groundwater Recharge Element of the 2000-2010 Comprehensive Plan. Details of the proposed PD are provided on amended copies of the development plan maps (i.e., Existing Conditions Map; Existing Vegetation Map; and Planned Development Layout Map), and within an amended copy of the PD Report, filed in association with this petition.

Public notice was published in the Gainesville Sun on August 10, 2010. Letters were mailed to surrounding property owners on August 10, 2010.

The City Plan Board considered Petition PB-09-116 PDV at a public hearing held August 26, 2010. By a vote of 5-0, the City Plan Board approved the petition and the associated PD Layout Plan Map and PD Report subject to the conditions recommended in the staff report and Appendix E.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of October 7, 2010, authorized the City Attorney to prepare and advertise the necessary ordinance rezoning certain lands within the city to planned development commonly known as "Legacy Fountains, LLC".

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/7/10	City Commission	Approved (Petition) (7 - 0)
5/5/11	City Commission	Adopted on First Reading, as revised (Ordinance) (5 - 1 - 1 Absent)

100327_pb recommended conditions_20101007.pdf
 100327A_staff report_20101007.pdf
 100327B_appendix A_20101007.pdf
 100327C_appendix B_20101007.pdf
 100327D_appendix C_20101007.pdf
 100327E_appendix D_20101007.pdf
 100327F_appendix E_20101007.pdf
 100327G_100826 cpb minutes draft_20101007.pdf
 100327H_staff ppt_20101007.PDF
 100327_MOD_PB-09-116 PDV_Applicant CHW_CC 101007.PDF
 100327_staff ppt_20110505.pdf
 100327_draft ordinance_20110505.pdf
 100327_MOD_APPLICANT_PPT_20110505.pdf
 100327_draft ordinance_20110519.pdf

100832.**ADMINISTRATIVE FEE FOR CERTAIN PARKING VIOLATIONS (B)****Ordinance No. 100832**

An Ordinance of the City of Gainesville, Florida, amending section 26-46 relating to illegal parking; adding a new subsection providing for administrative reduction of the parking violations fee for failure to properly display the permit or decal when parking a motor vehicle in parking spaces designated for permitted city or county employees or officers; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.

Explanation: The proposed ordinance provides for the administrative reduction of the parking violation fee for failure to display or properly display the proper permit to park in spots designated by official signs for parking for city or county employees, officers, or vehicles. When it can be shown that the vehicle or driver had the requisite permit, and either failed to display it or displayed it in the wrong location, the citation can be administratively reduced. This procedure would be similar to that utilized for persons who have been issued a handicapped sticker, license plate or hang tag, but failed to display same (see F.S. 318.18(6), providing for administrative dismissal fee of up to \$7.50, rather than fine of up to \$250.00, when the person provides ticketing agency with proof of valid disabled parking permit or tag).

The City Commission at its April 7, 2011 meeting authorized the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance. If approved on first reading, second and final reading will be held on Thursday, May 19, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/7/11 City Commission Approved as Recommended (6 - 0 - 1 Absent)

5/5/11 City Commission Adopted on First Reading (Ordinance) (7 - 0)

100832_DraftOrdinance_20110505.pdf

100840.

OPEN AND OUTDOOR BURNING AMENDMENTS (B)

Ordinance No. 100840

An Ordinance of the City of Gainesville, Florida amending Chapter 10, Article VI, of the Gainesville Code Ordinances, relating to open and outdoor burning; amending section 10-62 by repealing the definition of campfire; amending section 10-63 and section 10-68 by adding to the description of materials where open burning is prohibited; amending section 10-70 by repealing the reference to outdoor campfires; amending section 10-74 by clarifying enforcement and penalties; amending section 2-339 and Appendix A, Schedule of Fees, Rates and Charges by eliminating references to burn barrels; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.

Explanation: GAINESVILLE FIRE RESCUE DEPARTMENT REPORT

The Fire Department is requesting these language and definition changes to assist us with the application and enforcement of the current ordinance. These changes are a result of staff recommendations after practical application of the ordinance during real life events in our community. The improvements will result in an enhanced tool for making our community a safer place to live and work.

CITY ATTORNEY MEMORANDUM

The City Commission at its April 7, 2011 meeting authorized the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance. If approved on first reading, second and final reading will be held on Thursday, May 19, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/7/11 City Commission Approved as Recommended (6 - 0 - 1 Absent)

5/5/11 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

100840_DraftOrdinance_20110505.pdf

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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