

City of Gainesville

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



Meeting Agenda

July 21, 2011

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Thomas Hawkins (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)

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

110094.

"Region4: Transformation Through Imagination" grant application (NB)

This item involves a request to accept a "Culture Builds Florida" grant from the State of Florida, Division of Cultural Affairs to support an art exhibition and related community education and engagement project titled "Region4: Transformation Through Imagination."

Explanation: In early 2010, the City of Gainesville's Department of Parks, Recreation and Cultural Affairs (PRCA) was approached by members of the Superfund Art Project (SAP), a citizen's awareness group that wanted to organize an art exhibition that would help the public learn more about the Cabot-Koppers Superfund site and the plans for remediation of the site. The SAP is a creative public outreach component of the Protect Gainesville's Citizens group whose mission is to use all forms of art to express the science and emotions associated with a superfund site. After several discussions regarding the scope and content of the proposed exhibit, PRCA decided to work with the group to submit an application for a FL Division of Cultural Affairs Culture Builds Florida grant to support Region4: Transformation Through Imagination." The exhibit was put on the schedule for March/April 2012 dependent on securing the grant.

This grant will fund a multidisciplinary project intended to build leadership and promote learning and wellness through an art exhibition, a web site, an exhibition catalogue, a traveling exhibition, a community forum, educational materials and other appropriate related programs generated by the SAP that will explore the challenges of living in proximity to an EPA Superfund site and the opportunity this presents for educating the public and envisioning

transformative action through a variety of initiatives - including the visual and performing arts.

There will be several components of the project, specifically the Thomas Center art exhibition "Region4: Transformation Through Imagination," the traveling exhibition, educational materials, and related programs. Grant funds will be used for project team member's expenses including consultation with scholars/advisors, honorarium for speakers, travel, and printing costs.

The goal of the SAP is to organize an art exhibition that can "express the science" in a way that will make the story come alive from the facts so that the audience will be able to understand the scientific data as well as the concerns, hopes, beliefs and experiences of the people who live in the shadow of a Superfund site. The plan is to offer strategies for healing the community and to reach the widest possible audience by partnering with community leaders, organizations and institutions, by targeting multiple venues for the traveling component of the project and by promoting thought and conversation through the use of interdisciplinary perspectives.

The exhibition is being hosted by the City's Thomas Center Gallery, and is sponsored, organized and promoted by the SAP. The SAP wants to find opportunities for educating the public and envisioning transformative action through a variety of initiatives, including the visual and performing arts. The group is comprised of faculty members from community institutions including Santa Fe College and the University of Florida as well as individuals from the business community with technical consultation available from scientists familiar with the Superfund site. This group met monthly for the past year to explore possibilities for using the fine and performing arts to educate the public and to promote productive dialogue.

The SAP team includes visual and performing artists, scientists, environmentalists, educators and students. Using art to express the science, to document the history, and to dramatize the emotions of the affected community, the goal of the exhibit is to personalize Gainesville's Region4 Superfund site and reclaim it for the community while demonstrating the power of art to heal and nourish. Artworks included in the exhibition are intended to explain, not blame, and offer a positive outcome, thus transforming a community liability into a community asset. The "Region4: Transformation Through Imagination" exhibition will consist of works by 15 invited Florida artists who will be provided access to scientists to assist them in interpreting data from the site. Additionally, 15 works will be selected through a jury process, to be included in the exhibition. The proposed exhibition addresses four topics of concern: 1) documentation: the history of the site and how it got that way; 2) transformation: the cleanup process; 3) restoration: restoring the site to ecological health and thus restoring the health of the larger community and/or examples of successful remediation at other Superfund sites, and 4) commemoration: proposals for constructing a public art work that commemorates the Superfund site, documenting the community's resilience and determination, and highlighting how the problem was successfully addressed and rectified.

Upon completion of the exhibition period at the Thomas Center Gallery, the

exhibit will become part of a traveling exhibit and lecture series coordinated and promoted by SAP. It is anticipated that through the exhibition and related programs, the public will learn about the long struggle to remediate the site, and how important this remediation is to the community. Following the exhibition at the Thomas Center Gallery, 30 digitalized works will be made available to tour to other areas of the state through July 2013, to locations that also have Superfund sites. Hopefully, other communities dealing with environmental issues will see Gainesville and the Region4 project as a successful model for resolving problems and moving forward to build a sustainable future.

Fiscal Note: The grant application was funded in the amount of \$24,000 from the State's Culture Builds Florida Grant." The City's funding match will be in-kind salary and facility costs that are included in PRCA's FY 2011/2012 budget. The City will be responsible for managing the grant.

RECOMMENDATION

The City Commission: 1) approve the request to accept a grant from the State of Florida, Division of Cultural Affairs' Culture Builds Florida'program, for the Region4: Transformation Through Imagination'exhibit; and 2) authorize the City Manager or designee to execute the grant agreement and other grant-related documents, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation

The City Commission respectfully decline the grant award from the Culture Builds Florida Program.

110121.

Agreement With The Department of Juvenile Justice To Provide Security At The Gainesville Area Regional Booking And Screening Unit (B)

This item requests the City Commission's authorization to enter into an agreement with the Department of Juvenile Justice for operational costs of the Gainesville Area Regional Booking and Screening Unit (formerly called the Juvenile Assessment Center).

Explanation: This agreement is to defray the cost for the operation of the Gainesville Area Regional Booking and Screening Unit formerly the Juvenile Assessment Center (JAC) for the period October 1, 2011 through September 30, 2012. The Florida Department of Juvenile Justice considers the funding for security at the Booking and Screening Unit to be a local issue and will only fund the costs for screening services. The Booking and Screening Unit serves twelve counties and is utilized by the Gainesville Police Department (GPD) as well as a number of regional law enforcement agencies. GPD has utilized this facility to refer or drop off approximately 900 juveniles per year. Funding from the City of Gainesville, the Alachua County Sheriff's Office, and other regional jurisdictions facilitate the 24-hour, 7-day per week security services that enable the Booking and Screening Unit to receive clients on an around-the-clock basis.

Fiscal Note: Funding in the amount of \$90,000 is available for this agreement in the City's

FY 2012 budget as part of the Department's budget.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute the agreement with the Department of Juvenile Justice, subject to the approval of the City Attorney as to form and legality; and 2) authorize the issuance of a purchase order in an amount not to exceed \$90,000 for this agreement.

110121a_DJJSoleSourceIOC_20110721.pdf

110121b_DJJSoleSourceForm_20110721.pdf

110131.

Land Acquisition: Florida Title/City of Gainesville Contract for parcel #08197-020-003 adjacent to Flatwoods Conservation Area (B)

This item involves a request for the City Commission to add parcel #08197-020-003 to the Wild Spaces, Public Places land acquisition list, approve and authorize the City Manager to execute the option assignment, contract, and closing documents in order to proceed with the acquisition of this 87-acre parcel adjacent to the City-owned Flatwoods Conservation Area.

Explanation: During FY 2009-2010, the Parks, Recreation and Cultural Affairs Department (PRCA) entered into a contract with Alachua Conservation Trust (ACT) to negotiate land acquisitions on behalf of the City of Gainesville using the Wild Spaces Public Places (WSPP) land acquisition funding. In February 2010, the 87-acre property adjacent to the City-owned Flatwoods Conservation Area went up for sale. PRCA staff conducted a site visit with ACT to evaluate its acquisition potential, and determined this property had good conservation value and that acquisition should be pursued. The staff evaluation ranked it as the second best property of interest within the second tier of parcels on the overall priority land acquisition listing. Before ACT could complete negotiations regarding a selling price, the contract between ACT and the City expired. ACT continued to work with the seller on a negotiated selling price with the knowledge that the City would still be interested in the acquisition.

Between January and May 2011, appraisals were conducted on the property and ACT was able to negotiate an option contract in the amount of \$425,000 for the purchase of the parcel. PRCA staff would now like to move forward with an assignment of the option to the City and a contract between the City and the seller in the amount of \$425,000 utilizing WSPP funds available for acquisition of conservation land. In order to continue to comply with the terms in the option contract, the assignment and the contract will need to be signed by July 31, 2011. The City will have one month to complete due diligence. If the due diligence is unacceptable, the contract can be terminated by August 31, 2011. If the due diligence is acceptable, closing on the property will be completed by October 1, 2011.

Fiscal Note: The cost to the City to complete the land acquisition of parcel #08197-020-003 will be \$425,000 for the land and approximately \$6,000 in closing costs. The funding for this acquisition will come from WSPP land acquisition funds. Funding will remain for future acquisitions. ACT has agreed to pay for the due

diligence items including the title search and Phase I environmental assessment.

RECOMMENDATION

The City Commission 1) approve the addition of parcel #08197-020-003 to the Priority Land Acquisition listing; 2) approve and authorize the City Manager to execute the Assignment of and Amendment to Option, subject to approval by the City Attorney as to form and legality; 3) approve and authorize the City Manager to exercise the Option by executing the Contract, subject to approval by the City Attorney as to form and legality; and 4) authorize the City Manager to execute all necessary closing documents, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation:

The City Commission not approve the addition of parcel #08197-020-003 to the Priority Land Acquisition listing nor approve the City Manager to execute any documents related to this acquisition.

110131A_FL Title Property Maps_20110721.pdf

110131B_FL Title Property Staff Eval_20110721.pdf

110131C_Acq Priority Table_20110721.pdf

110131D_Assignment of and Amendment to Option_20110721.pdf

110133.

Amendment to the FY 2010-2011 CDBG and HOME Annual Action Plan (B)

This is a request for the City Commission to approve the first amendment to the FY 2010-11 CDBG and HOME Annual Action Plan to add a new program, Purchase Assistance New Construction Program (PNC) as part of the City's Southeast Gainesville Renaissance Initiative (SEGRI).

Explanation: The Housing & Community Development Division (HCD) proposes to implement the Purchase Assistance New Construction Program (PNC) as part of the City's Southeast Gainesville Renaissance Initiative (SEGRI). The SEGRI is one of the City's initiatives to revitalize southeast Gainesville. The City established the SEGRI area to revitalize lesser developed areas of southeast Gainesville through the construction of new mixed-income housing, while providing a master plan to encourage equivalent quality development on other parcels in the area. The SEGRI initiative is designed to assist in revitalizing the area to eliminating slum and blight by encouraging mixed-income infill residential developments in older neighborhoods in southeast Gainesville. As part of the SEGRI, the City prepared a Neighborhood Revitalization Strategy (NRS) which is designed to address how to revitalize lesser developed areas within the SEGRI through economic development, housing development, and other social services (including community building, education, community facilities and services, crime prevention, and neighborhood character). The SEGRI NRS boundaries are bordered by East University Ave, SE 11th St, S.C.L. Railroad, SE 22nd Ave, City Limits, east of Lincoln Estates Neighborhood, part of SE 8th Ave, and SE 24th St. The SEGRI NRS covers an approximate area of 746 acres. Attached for reference is a copy of memorandum dated May 11, 2011

to the City Commission providing an overview of the PNC SEGRI program.

The purpose of the PNC-SEGRI will provide financial assistance to qualified first-time homebuyers to purchase new homes located within the boundaries of the SEGRI area. The City's PNC-SEGRI may also be leveraged with other public/private resources to make the new home purchases affordable for the first-time homebuyers. The goal of the PNC-SEGRI is to provide affordable homeownership opportunities for eligible homebuyers to purchase new homes developed in the SEGRI area. Homes must be constructed on vacant lots within the SEGRI area only. Priority given to purchasers of new homes located on the former Kennedy Homes site; and to eligible applicants who qualify as Essential Service Personnel (ESP), which is defined as persons in need of affordable housing who are employed in occupations or professions in which they are considered essential to the community as defined by the City of Gainesville. The new homes must be built and sold by a qualified housing developer as approved by the City. The implementation of the PNC-SEGRI Program will assist in addressing the revitalization needs of the SEGRI area; and result in the creation of opportunities to stimulate economic development, recreational and cultural enrichment and ensure improvements in the overall quality of life for all of its residents.

The PNC-SEGRI is an approved housing program as part of the City's Local Housing Assistance Plan (LHAP) for the State Housing Initiatives Partnership (SHIP) Program. The purpose of the PNC-SEGRI is to provide financial assistance to qualified first-time homebuyers to purchase new homes located within the boundaries of the SEGRI area. This program will address the need to provide decent, safe and affordable homes to income eligible families. Funds will be used as a subsidy to provide subordinate mortgage financing to make the new homes affordable. The PNC-SEGRI will provide up to \$25,000 in assistance, of which \$5,000 can be utilized on closing costs. The funds shall be made available in the form of a 0% interest rate, 10-year due on sale loan forgivable at the end of the compliance period. A mortgage will be recorded on the property. The recipient is required to own and occupy the property as a principal residence during the compliance period. If the recipient defaults on any terms of the mortgage and note during the compliance period, then the full balance of the loan shall become due and payable.

The goal of the PNC-SEGRI is to provide affordable homeownership opportunities for eligible homebuyers to purchase new homes developed in the SEGRI area. Homes must be constructed on vacant lots within the SEGRI area only, with priority given to purchasers of new homes located on the former Kennedy Homes site. The new homes must be built and sold by a qualified housing developer as approved by the City.

Applications for assistance under this program will be reviewed and approved based on a competitive process based on the PNC SEGRI program guidelines. Priority will be given to eligible applicants who qualify as Essential Service Personnel (ESP), which is defined as persons in need of affordable housing who are employed in occupations or professions in which they are considered essential to the community as defined by each county or municipality. In accordance with the LHAP, the City of Gainesville defines ESP as: "any household earning 120 % area median income (AMI) or below and, employed in

the education system as teachers and educators; police, fire and code enforcement personnel; government employees; military personnel; health care personnel; or skilled building trades". However, due to the combined allocation of HOME program funding, the maximum household income will be limited to 80% of the AMI. The HCD Division will announce a competitive application cycle to the general public through advertisements in the local newspapers, press releases and the City's website.

The implementation of the PNC-SEGRI Program will assist in addressing the revitalization needs of the SEGRI area; and result in the creation of opportunities to stimulate economic development, recreational and cultural enrichment and ensure improvements in the overall quality of life for all of its residents.

As part of the public participation process, staff published a notice of the proposed amendment in the Gainesville Sun newspaper on May 28, 2011 for public notice and comment. HCD staff also presented this amendment to the Citizens Advisory Committee for Community Development (CACCD) on June 21, 2011, and the CACCD has recommended approval. This amendment will add the PNC SEGRI to the City's FY 2010-2011 CDBG and HOME Annual Action Plan for implementation of the program. This Amendment will have no adverse impact on any projects and activities currently funded in the FY 2010-2011 Annual Action Plan. All of the elements of the City's current FY 2010-2011 are hereby incorporated into this Amendment.

Fiscal Note: The proposed budget for the PNC-SEGRI is \$275,000. The funds for implementation of this program have been identified in the Housing and Community Development Division's HOME Program budget in the amount of \$255,000; and SHIP Program budget in the amount of \$20,000. The City's PNC-SEGRI may also be leveraged with other public/private resources to make the new home purchases affordable for the first-time homebuyers.

RECOMMENDATION

The City Commission: 1) approve the first amendment to the FY 2010-2011 CDBG and HOME Program Annual Action Plan to implement the PNC SEGRI program.; and 2) authorize the City Manager or designee to submit the amended FY 2010-2011 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD); and 3) authorize the City Manager or designee to execute the necessary documents related to amendment of the FY 2010-2011 CDBG and HOME Program Annual Action Plan, subject to approval by the City Attorney as to form and legality.

110133_PNC-SEGRI Memo_20110721.pdf

110134.

Agreement for the City of Gainesville to reimburse the Alachua County Property Appraiser for services associated with collection of a non-ad valorem assessment (B)

Explanation: It is necessary for the City to enter into an Interlocal Agreement with the

Alachua County Property Appraiser providing reimbursement for services associated with collection of a non-ad valorem assessment.

The needed services support the collection of the Special Assessment for Fire Services. The agreement defines the responsibilities of the City and the Property Appraiser. The Property Appraiser will provide the City with data and services necessary to create the non-ad valorem assessment roll. The City's non-ad valorem assessment will be included in the TRIM notice sent to City property owners in August along with an informational flyer about the Special Assessment for Fire Services.

Fiscal Note: The City will be charged \$18,000 annually for the services provided by the Property Appraiser. The City will separately pay the costs associated with production and preparation of the informational flyers that will be sent with the TRIM notices. Funds to pay for these expenses are available from fire assessment revenue.

RECOMMENDATION

The City Commission authorize the Mayor to execute an Interlocal Agreement with the Alachua County Property Appraiser for services associated with collection of a non-ad valorem assessment subject to approval of the City Attorney as to form and legality.

110134_Agreement_20110721.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

110136.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of June 9, 2011 and June 16, 2011, as circulated.

110136_june 9, 2011_minutes_20110721.pdf

110136a_june 16,2011_minutes_20110721.pdf

110164.

Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint the following:

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

John Williams to the Pension Review Committee for a term to expire 7/31/16.

James Reeves and Bill Warinner to the Historic

Preservation Board for a term to expire 6/1/14.

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

110141.

City Commission Referral List (B)

Explanation: The Clerk of the Commission provides the City Commission with the active referral list twice per year. The attached lists represents the referrals as of June 1, 2011.

RECOMMENDATION

The City Commission review the attached referral list and take appropriate action.

110141_referral list_20110721.pdf

CITY MANAGER

080872.

City of Gainesville/Alachua County Senior Recreation Center (B)

This item involves a request for the City Commission to hear an update on the status of the City of Gainesville/Alachua County Senior Recreation Center.

Explanation: In September 2010, the City held its groundbreaking ceremony for the new City of Gainesville/Alachua County Senior Recreation Center. Construction of the approximately 17,000-square foot Center is in its final stages. The Center is located within the existing Northside Park, at 5701 NW 34th Street.

The Center has been built to meet 120 MPH wind speeds, can be used as a shelter, and is anticipated to achieve a US Green Building Council Leadership in Energy and Environmental Design (LEED) Silver level certification. The building will accommodate staff from ElderCare of Alachua County who will

oversee the programming and operations of the facility. The building will also include a large multi-purpose room, a fitness area, several classroom style rooms, a library, a billiards room, and various other multi-use areas to promote socialization and recreation for seniors in the community.

It is anticipated that operations and programming of the facility will begin shortly. A long-term license agreement with Elder Care of Alachua County is in the final stages of completion, which will enable Elder Care to provide services and programs at the facility. Anthony Clarizio, Executive Director of Elder Care of Alachua County, will present a brief overview of upcoming plans as well as information regarding the services that will be offered at the Center.

Fiscal Note: In an effort to streamline costs for Elder Care and ensure minimal impact to their programs, the license agreement stipulates a nominal \$1/year for Elder Care to be housed in and operate its programs at the Center for a 50 year term.

RECOMMENDATION

The City Commission: 1) hear an update on the status of the City of Gainesville/Alachua County Senior Recreation Center; 2) approve the Senior Center License Agreement between the City of Gainesville and Elder Care of Alachua County, Inc. in substantially the same form as attached; and 3) authorize the City Manager or designee to execute the Senior Center License Agreement and any related documents, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation:

The City Commission not hear an update on the status of the City of Gainesville/Alachua County Senior Recreation Center.

Legislative History

3/19/09	City Commission	Withdrawn
4/16/09	City Commission	Approved as Recommended (6 - 0 - 1 Absent)

080872_DRAFT Agreement_20090319.pdf

080872_Draft Agreement_20090416.pdf

080872_agreement_20090416.pdf

080872A_SR Center Update Photos_20110721.pdf

080872B_Draft License Agreement_20110721.pdf

080872C_ElderCare PPT_20110721.pdf

100564.

Design and Construction of the Centralized Fleet Garage (B)

This is a request for the City Commission to approve the 30% construction documents in the design of the Fleet Garage and Materials Management facility located on the parcel at 1610 NW 65th Place, Gainesville, FL 32653.

Explanation: On February 18, 2008, the City Commission directed the City Manager's office to develop a plan to phase out the fleet service and material storage services from the 39th Avenue site. A new site was selected and purchased for these two

operations, and on August 19, 2010 the City entered into an agreement with Bentley Architects + Engineers, Inc. for the design of the Centralized Fleet Garage, and site design for the parcel which will also be home to the Materials Management Facility. The approximate 46,000 square foot garage will be located on the north western portion of the property and the Materials Management facility will be located on the south western portion of the property. The Garage will be designed and built to meet 120 MPH wind speeds. The administration portion of the building will be designed and built to achieve a USGBC LEED Silver level certification. The building will accommodate services for both City of Gainesville and GRU fleet. Per Administrative Procedure No. 22A, the 30% design is being presented to the City Commission for approval.

The design team has held two neighborhood meetings (11/23/10 & 11/30/10) with members of the community to gain input. The design being presented represents the best possible solution to maintain the budget, needs of the operators, and citizen input while also balancing the LEED goals for the building. The design team has submitted a site plan to the City of Gainesville planning department, and will be submitting to GRU for utility plan review, as well as St Johns River Water Management District.

Fiscal Note: This agenda item has no fiscal impact unless the City Commission recommends major changes to the building design. Funding for the project has been budgeted in the Capital Improvement Plan.

RECOMMENDATION

The City Commission: 1) approve the 30% design and instruct the architect to continue progress on the construction drawings, and waive the 60% & 100% reviews by the Commission.

Alternative Recommendation A: The City Commission approve the 30% design with suggestions and instruct the architect to continue progress on the construction drawings and waive the 60% and 100% reviews by the Commission.

Alternative Recommendation B: The City Commission rejects the recommendation and direct staff to obtain a new design plan.

Legislative History

12/16/10 City Commission Approved as Recommended (7 - 0)

100564_Prelim Design PPT_20101216.pdf

100564_30% Design PPT_20110721.pdf

110169.

Non-Ad Valorem Assessment for Solid Waste Management (B)

This item is a request for the City Commission to authorize the City Attorney to draft an ordinance allowing the assessment for solid waste management to continue inside the city limits for an additional year.

Explanation: Since October 1, 1997, the Alachua County Commission has approved a non-ad valorem assessment for solid waste management in order to cover the cost of the Waste Alternatives program, the Household Hazardous Waste program and approximately 36% of the Rural Collection Center program. Beginning with the 1997-98 fiscal year, all municipalities in Alachua County, except for LaCrosse, have approved ordinances allowing the collection of the assessment within their respective municipal limits. The City's ordinance expires September 30, 2011. The Board of County Commissioners is requesting that the City of Gainesville adopt an ordinance allowing the assessment for solid waste management to continue inside the municipal limits for an additional year, effective October 1, 2011 through September 30, 2012. This year the County is also requesting the City allow additional charges for Solid Waste Facilities Cost.

The Waste Alternatives Program provides public education and resources for our community emphasizing a new philosophy in waste reduction: Embrace Zero Waste. Zero Waste encourages the elimination of the inefficient use of our resources. Waste Alternatives programs help accomplish this by focusing on source reduction, reuse, recycling, composting, household hazardous waste and litter prevention through a variety of learning tools. Waste Alternatives Specialists visit schools throughout the County using a curriculum approved by the school board for students in grades Pre-K through 12. Waste Alternatives staff also provides presentations to civic groups and businesses. A large multi-media campaign supports the program and serves as an additional outreach mechanism to our community. Waste Alternatives also provides recycling containers for special events, manages the Alachua County commercial recycling program, sponsors special recycling events, operates a reusable resource center for teachers (Tools for Schools) in cooperation with the Alachua County School Board, and acts as liaison between the waste haulers and recyclers and residents and businesses. These activities are county-wide and include all municipalities.

The Alachua County Environmental Protection Department's Hazardous Waste program provides collection, recycling and disposal of Household Hazardous Waste (HHW) including automotive fluids, paints, toxic chemicals, fluorescent lamps and electronic scrap through the Alachua County Household Hazardous Waste Collection Center at the Leveda Brown Environmental Park, at the Rural Collection Centers and through periodic mobile HHW collection events throughout the county. In addition, the program provides emergency response for hazardous materials incidents, inspection and monitoring of small quantity hazardous waste generators and complaint investigations regarding hazardous materials and wastes. The program also provides, on a fee basis, hazardous waste disposal services for conditionally exempt small quantity generators of hazardous waste. All activities are county-wide and include all municipalities.

The Rural Collection Centers provide drop-off sites for residential solid waste, recycling and non-toxic household hazardous waste. The Rural Collection Centers are funded through two sources. Approximately 64% of the funds come from the Rural Collection Center assessment (assessed to rural residents of unincorporated Alachua County) and about 36% from the Solid Waste Management assessment (assessed to all residents of the county except for rural, unincorporated residents). The proportion from each funding source is based upon a survey of users of the collection centers to determine what percentage

are rural residents as compared to municipal and County mandatory curbside collection residents.

The Solid Waste Facilities Cost includes the cost of providing, maintaining, operating, and monitoring the Solid Waste Management Facilities known as "closed landfills" (including the Northeast, the Northeast Auxiliary, the Southeast and the Northwest closed landfills) and the property intended for future Solid Waste Management Facilities known as Balu Forest. These costs are currently being accounted for in the tipping fee charges. By including these charges in the Non-Ad Valorem rates; the County is proposing to reduce the tipping fees by \$4.05/ton.

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

RECOMMENDATION

The City Commission authorize the City Attorney to draft an ordinance allowing the assessment for solid waste management to continue inside the municipal limits of Gainesville for an additional year.

110169_Proposed Rates_20110721.pdf

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

110103.

Communications Workers of America, et al. v. City of Gainesville, First District Court of Appeal, Case No. 1D10-1616 (NB)

Explanation: On July 1st, the First District Court of Appeal denied the City's request for rehearing, rehearing en banc or for certification of the panel's opinion finding that the City's method of providing health insurance benefits to its retirees was a past practice that the City must bargain before changing. The Court also denied the amici requests of the Cities of Cocoa, St. Petersburg, Kissimmee, West Palm Beach, and Jacksonville, the Counties of Alachua and St. Johns, and the Florida League of Cities to file briefs in support of the City's request.

As background information, in 1992 the City changed its payment of retirees' health insurance premiums from 100% of single coverage for the retirees to 80% of single coverage, in line with what it was paying for active employees. The retirees filed a class action lawsuit to stop the City from doing so, arguing that they had been told the City would pay 100% of the premium for their lifetime. After years of litigation, the Court declined to certify a class of retirees, and later held that the Plaintiff retirees had abandoned their claims and dismissed the case.

While the lawsuit was ongoing, the City commissioned an actuarial study to determine the long term cost of the City's contribution of 80% of retirees and current employees' premiums. The study estimated that the City's cost to provide this benefit from 1994 forward was 76 million dollars. As a result of this study, in 1995 the City Commission adopted an ordinance changing how it would contribute to current and future retirees health insurance benefits. The

ordinance provided that the City would contribute a percentage of retirees' health insurance costs that was variable based on years of service, age at retirement and hire date. The result of these changes reduced the City's liability to 18 million dollars. The ordinance further provided that the percentage or amount of which payment for either retirees or dependent coverage has varied over the years and may continue to do so in the future. .." No one challenged the ordinance.

By 2008, the City concluded that the percentage method of contributing to the retiree health plan had become financially unsustainable for the taxpayers and rate payers. The City desired to maintain the ability to contribute some level of premium subsidy for current and future employees, but could not do so under the 1995 formula and the escalating rise in health insurance premiums. Premiums that in 1994 were \$103 for single coverage and \$355 for family coverage, in 2008 had risen to \$300 for single coverage and \$837 for family coverage, thus raising the City's liability to 49 million dollars. Consequently, in 2008 the City adopted a plan where the City would contribute a specified dollar amount based on years of service and age rather than a percentage of the premium, thus reducing the liability to 41 million dollars.

Since at least the mid 1990's, the City has repeatedly notified its employees that the City reserves the right to unilaterally change its payments to retiree health benefits and that it might agree in the future to contribute none, some, or all of the costs of retiree and/or dependent coverage." The City was conscientious about providing these notifications because of the lawsuit in 1992 wherein retirees maintained that they had been told they would get these benefits for life. So, in 2008 when the City unilaterally changed the benefits for retirees and refused to bargain the changes for current employees until the collective bargaining agreements opened, it was acting in accord with its prior actions.

After the 2008 change, four of the City's bargaining units filed an unfair labor practice arguing that the City could not make the changes without bargaining them with the Unions. As retiree health insurance benefits were not addressed in any of the collective bargaining agreements, the only way they could become a subject of bargaining for current employees was if the method of paying retiree health benefits had become a past practice." The test for whether a past practice becomes the status quo for wages or other benefits is: 1) whether the practice was unequivocal; 2) existed substantially unvaried for a significant period of time prior to the change; and 3) could reasonably have been expected by the employees to remain unchanged. All three parts of the test are separate and must individually be met.

The Public Employees Relations Commission (PERC), the agency charged with the interpretation of Florida law relating to collective bargaining, found that the City's method of paying the retirees health insurance benefits from 1995 to 2008 was not a past practice because two parts of the test had not been met - that the City's practice of how it made the payments was not unequivocal and that the employees could not have objectively believed that the City's contribution would continue unchanged. PERC dismissed the unfair labor practice charge. The Unions appealed.

The First District Court panel by a vote of 2-1 overturned PERC's order,

seeming to hold that the mere passage of time is sufficient to transform a unilaterally granted benefit into a past practice. In doing so, the panel ignored the expertise of the agency charged with interpreting law relating to collective bargaining and ignored long established precedent. The ruling greatly affects the ability of public employers to manage employees within the financial circumstances they face and creates a host of past practices which were never intended to be conferred. The panel noted that time as little as two years can establish a past practice. In order to have avoided the result reached by the panel, the City would have to regularly change the unilaterally conferred benefit, for no reason except to prevent the creation of a past practice, which the City said over and over again it was not creating.

This is an exceptionally important case which affects every public employer and employee in the state and which should be heard by the Florida Supreme Court. The Cities of Cocoa, St. Petersburg, Kissimmee, West Palm Beach, and Jacksonville, the Counties of Alachua and St. Johns, and the Florida League of Cities joined in asking the panel to rehear the case, either as the panel or en banc, or to certify the issue to the Florida Supreme Court as a question of great public importance. The appellate court declined to take such action.

On behalf of the City, the City Attorney's Office and co-counsel can now request the Florida Supreme Court to hear the matter by filing a Notice to invoke the discretionary jurisdiction of the Court based on conflict between this decision and other district court opinions, as well as the public importance to government entities around the State. If the Court grants jurisdiction the City will then file briefs in support of its position.

RECOMMENDATION

The City Commission authorize the City Attorney to file an appeal to Invoke the Discretionary Jurisdiction of the Florida Supreme Court.

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

100686.

Pet Sitting in Single Family Neighborhoods (B)

This is a referral from the Community Development Committee that requests amendment of the Land Development Code to allow Pet Sitting as a Specially Regulated Use by Special Use Permit in Single Family neighborhoods.

Explanation: On November 2, 2010, the Board of Adjustment held a quasi-judicial hearing on Petition BA-10-07APP filed by Sondra Randon, Esquire, agent for Bruce Wayne

Baber, appealing an administrative decision of the Planning and Development Services Department that a dog sitting business operated at 1713 NW 7th Avenue, is not a legal non-conforming use or a use by right in the RSF-2 (4.6 units/acre single family residential district) zoning district.

After hearing testimony from staff, the applicant and citizens, the Board of Adjustment voted 3-2 to allow Mr. Baber to keep animals other than as pets, with the provision that maintaining animals other than as pets at his single-family residential property cannot be done as a business, and compensation cannot be accepted for doing so.

This matter was appealed to the City Commission by an adjacent property owner and the City Commission heard the appeal on February 3, 2011. After hearing testimony from the appellant, the staff Board of Adjustment representative, the agent for the affected party and citizens, the City Commission reversed the Board of Adjustment's decision and moved that the matter be referred to the Community Development Committee to consider amending the Land Development Code to allow Pet Sitting in Single Family Neighborhoods.

At the March 22, 2011 and April 26, 2011 meeting the Pet Sitting in Single Family neighborhoods referral was heard by the Committee. Staff was directed to review and comment on the proposal as submitted by the affected party's agent on March 15, 2011. Staff's comments were as follows:

- 1. A definition of Pets needs to be specifically provided and focused on cats/dogs;*
- 2. No conflict would be allowable with regulations regarding Home Occupation Permits (HOP's) related to traffic (10 trips per day; 2 vehicles at a time);*
- 3. A not to exceed pet limitation of 10 should be included;*
- 4. Staff feels that overnights may be problematic and hours should be restricted to 7 am - 7 pm;*
- 5. Outdoor play areas need to be consistent with Residential, Single Family Zoning setbacks (7.5' in most instances);*
- 6. Indoor areas should be limited in some manner (20% of floor area to a maximum of 300 square feet potentially);*
- 7. Noise suppression should be considered as a requirement and be stipulated in the business/plot plan (see item 9 in Ms. Randon's letter);*
- 8. Business Tax, appropriate insurance and roster (registration of Pets) should be required as components of the business plan (see reference above);*
- 9. The Pet Sitting Use should only be allowable via SUP as a Specially Regulated Use;*
- 10. Further stipulations in the Code should explicitly indicate that Kennel's, Breeding and Rescue Facility are not allowable in Residential, Single Family zoning districts.*

At the April 26, 2011 meeting, the Committee voted to refer staff's recommendation to the City Commission identifying item #4 regarding hours as one point that need to be modified to include at minimum restriction of 9am - 7pm on weekends.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The Community Development Committee to the City Commission - The City Commission: 1) hear a report from staff; 2) consider staff's recommendation with change to item #4 to include a restriction of operating hours from 9:00am to 7:00pm on weekends; and 3) if appropriate, direct staff to initiate a Petition to the Plan Board modifying the Land Development Code to permit Pet Sitting in Residential Single Family Neighborhoods.

Legislative History

2/3/11	City Commission	Referred (6 - 0 - 1 Absent)	Community Development Committee
4/26/11	Community Development Committee	Approved as shown above (See Motion)	

100686A_Attorney Presentation_20110322.pdf
 100686B_City Comm Minutes 2-3-11_20110322.pdf
 100686C_Memo dated 8-30-10_20110322.pdf
 100686D_Review of Home Business_20110322.pdf
 100686E_City Comm Agenda 11-22-10_20110322.pdf
 100686F_Attorney Email dated 9-1-10_20110322.pdf
 100686G_BOA Packet 11-02-10_20110322.pdf
 100686A_Attorney Presentation_20110721.pdf
 100686B_City Comm Minutes 2-3-11_20110721.pdf
 100686C_Memo dated 8-30-10_20110721.pdf
 100686D_Review of Home Business_20110721.pdf
 100686E_City Comm Agenda 11-22-10_20110721.pdf
 100686F_Attorney Email dated 9-1-10_20110721.pdf
 100686G_BOA Packet 11-02-10_20110721.pdf

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)**PROCLAMATIONS/SPECIAL RECOGNITIONS****110167.****The University of Florida Institute on United States Foreign Policy (NB)****RECOMMENDATION**

The City Commission to recognize University of Florida Political Science Department Professors Stephen Craig and Laura Sjoberg and 18 Foreign Scholars.

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****110120.****Resolution for a Joint Participation Agreement (JPA) - Bus Rapid Transit (BRT) Alternatives Analysis (B)**

This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive \$125,000 in funds for a Bus Rapid Transit (BRT) Alternatives Analysis.

Explanation: On April 1, 2010, the City Commission adopted a resolution to allow the Regional Transit System (RTS) to accept \$125,000 in funding from the Florida Department of Transportation (FDOT) for a Bus Rapid Transit (BRT) Alternatives Analysis. On May 26, 2010, RTS and FDOT entered into a Joint Participation Agreement (JPA) to accept the funding.

In March, 2011, an additional \$125,000 became available. On May 5, 2011, the City Commission adopted a resolution and approved RTS entering into a Supplemental Joint Participation Agreement (SPJA) with FDOT to receive the additional funding. On June 22, 2011, FDOT requested that RTS change the SJPA to a JPA which requires approval by the City Commission.

RTS desires to enter into a JPA with FDOT to receive this additional funding of \$125,000 to further the Alternatives Analysis Study.

Fiscal Note: FDOT will provide funding in the amount of \$125,000. No local matching funds are required.

RECOMMENDATION

The City Commission adopt the Resolution.

110120_Resolution_20110721.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

100591.

LANDLORD PERMIT PROGRAM FEES (B)

Ordinance No. 100591

An ordinance of the City of Gainesville, Florida, amending section 14.5-1(c) of the City of Gainesville Code of Ordinances to authorize the City Attorney to seek judicial resolution of delinquent fees; amending section 14.5-1(d), City of Gainesville Code of Ordinances, relating to landlord permit fees; providing for Code Enforcement Board-imposed fines to stop accruing under certain conditions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: CITY ATTORNEY MEMORANDUM

At its meeting on June 16, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to authorize judicial resolution of delinquent fees by adding an additional method for collection and enforcement of delinquent fees and providing a specified termination for the accrual of points for Code Enforcement Board-imposed fines related to landlord license fees.

This ordinance requires two readings. If approved on first reading, the second and final reading will be August 4, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/14/10	Community Development Committee	Approved as shown above (See Motion)
6/16/11	City Commission	Approved as Amended (7 - 0)

100591_Memo_20101214.pdf

100591_1-12-10 Minutes_20101214.pdf

100591_CDC Minutes_20110616.pdf

100591_CITIZEN_COMMENT_20110616.pdf

100591_draft ordinance_20110721.pdf

110048.

STREET VACATION – 3333 NORTH MAIN STREET (B)

Ordinance No. 110048, Petition PB-11-61SVA

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close approximately 100 feet of unimproved right-of-way located in the vicinity of 3333 North Main Street, as more specifically described in this Ordinance; reserving a public and private utilities easement; providing a

severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: *COMMUNITY DEVELOPMENT STAFF REPORT*

This petition is a request to vacate a portion of the North Main Street right-of-way. This portion of the right-of-way is approximately 100 feet wide and 35 feet deep, running parallel to Main Street. It is not currently part of the roadway, but is located between the sidewalk and the property line of 3333 North Main Street, which is currently being redeveloped as the new location for Prestige Lincoln-Mercury, Inc. This is a referral from the City Commission (Legistar number 100774). The City Commission approved a recommendation for Planning and Development Services to initiate a Plan Board petition to vacate the right-of-way on April 7, 2011.

Staff recommends approval based on the criteria for street vacation established in sec. 30-192 of the City's Land Development Code.

Public notice was published in the Gainesville Sun on May 9, 2011. The Plan Board held a public hearing on May 26, 2011.

Fiscal Note

None.

Recommendation

City Plan Board to City Commission- The City Commission approve Petition PB-11-61SVA. The Plan Board voted 6-0.

Staff to City Commission - The City Commission approve Petition PB-11-61SVA as recommended by the City Plan Board, and reserve the public and private utilities easement.

Staff to City Plan Board – The City Plan Board approve Petition PB-11-61SVA.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-11-61SVA; and 2) adopt the proposed ordinance.

110048_draft ordinance_20110721.pdf

110048B_staff report_20110721.pdf

110048C_append A-1_20110721.pdf

110048D_append A-2_20110721.pdf

110048E_append B_20110721.pdf

110048F_cpb minutes_20110721.pdf

110048G_staff ppt_20110721.pdf

110048_draft ordinance_20110721.pdf

100678.**REZONINGS - VICINITY OF WEST OF SW 34TH STREET AND NORTH OF SW ARCHER RD (B)****Ordinance No. 100678, Petition No. PB-10-136ZON-A**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties annexed into the City, as more specifically described as follows: Area 1: from the Alachua County zoning categories of "Agricultural (A) district", "Multiple family, medium density (R-2) district", and "Planned development (PD) district", to the City of Gainesville zoning categories of "CON: Conservation district" and "PS: Public services and operations district" to allow cemeteries as a use permitted by right; without approval of a preliminary development plan; Area 2: from the Alachua County zoning category of "Agricultural (A) district" and "Multiple family, high density (R-3) district", to the City of Gainesville zoning category of "CON: Conservation district"; Area 3: from the Alachua County zoning categories of "Multiple family, medium-high density (R-2a) district" and "Industrial services and manufacturing (MS and MP) districts", to the City of Gainesville zoning categories of "RMF-5: 12 units/acre single-family/multiple-family residential district", "RMF-7: 8-21 units/acre multiple-family residential district", "BI: Business industrial district", and "PS: Public services and operations district" to allow electric, gas, and sanitary services (MG-49); utility lines; water conservation areas, water reservoirs and control structures, drainage wells and water wells; stormwater facilities; any use customarily incidental to any permitted principal use as uses permitted by right; without approval of a preliminary development plan; Area 4: from the Alachua County zoning categories of "Industrial services and manufacturing (MS and MP) districts", "Highway oriented business services (BH) district", "Residential Professional (RP) district", and "Single family, low density (R-1c) district", to the City of Gainesville zoning categories of "BI: Business industrial district" and "BUS: General business district"; located in the vicinity of Southwest 20th Avenue and Southwest Archer Road, east of Interstate 75 and west of Southwest 34th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This petition is a rezoning from Alachua County to City of Gainesville designations. It covers approximately 285 acres of southwest Gainesville in the vicinity of SW 20th Avenue, SW Archer Road, and SW 34th Street.

Proposed zoning categories were selected to reflect existing conditions and to be compatible with surrounding uses: CON (Conservation) zoning for the northern portion of the subject area, which includes Hogtown Creek, wetlands, and the ten-year flood channel; BI (Business Industrial) zoning for the lands adjacent to the interstate along the southern portion of SW 43rd Street; BUS (General Business) for the parcels along SW 34th Street and SW Archer Road; and RMF-5, RMF-7, ED (Education) and PS (Public services and operations) zoning, as appropriate, for several small parcels in the annexation area.

The original Southwest Annexation petitions (PZ-09-145LUC and PZ-09-146ZON) were presented to the Plan Board on December 7, 2009 and to the City Commission on January 21, 2010. The City Commission voted to continue the petitions to allow further exploration of implementation options for the Urban Village portion of the petition. Per the requirements of sec. 30-347.8 of the Land Development Code, If a petition or recommendation for a change or amendment is not acted upon finally by the city commission within six months of the date upon which the report of the city plan board is filed with the city commission, the petition shall be deemed denied without prejudice. However, no petition shall be deemed denied if the city commission has continued its consideration to a date certain, or has stayed action on the petition by enactment of a moratorium ordinance. Since no action was taken during the 6-month time limit, the original land use petition (PZ-09-145LUC) and associated rezoning petition (PZ-09-146ZON) have been deemed denied without prejudice.

Staff has split the petitions so that Petition PB-10-136ZON represents only parcels located outside the Urban Village. The attached staff report reflects all of the Plan Board's recommended changes.

Public notice was published in the Gainesville Sun on January 11, 2011. The Plan Board held a public hearing on January 27, 2011.

Fiscal Note: None.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

3/3/11 City Commission Approved (Petition) as amended by the Plan Board (6 - 0
- 1 Absent)

100678_staff report_20110303.pdf

100678A_110127_cpb minutes_20110303.pdf

100678_staff ppt_20110303.pdf

100678_MOD_QJ_FORMS_20110303.pdf

100678_draft ordinance_20110721.pdf

100851.

REZONING - UF EASTSIDE CAMPUS (B)

Ordinance No. 100851, Petition No. PB-11-19ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property from "PS: Public services and operations district" and "MH: 12 units/acre mobile home residential district" to "ED: Educational services district"; consisting of approximately 14.3 acres, and located in the vicinity of 2004 Northeast Waldo Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This proposed rezoning from PS (Public services and operations district) and

MH (12 units/acre mobile home residential district) to ED (Educational services district) is for the University of Florida Eastside Campus. This approximately 14.3-acre, developed property is on the west side of Waldo Road and is south of Northeast 23rd Avenue. To the south of the UF Eastside Campus are a residential neighborhood, and an electrical contracting business. To the north is a vacant, 2.6-acre property (now owned by the university and proposed for an expansion of the Eastside Campus) that was previously part of the mobile home park to its north, and Northeast 23rd Avenue. To the east and across Waldo Road is the State of Florida's Tacachale residential facility for the developmentally disabled. To the west are a self-storage facility and business center, a small non-residential building of unknown use, and a very small, vacant parcel.

The UF Eastside Campus is within the Eastside Community Redevelopment Area, but it is not within either the Enterprise Zone or a special area plan. This property is part of the 2005-2015 Campus Master Plan and is subject to the provisions of the 2005-2015 Campus Development Agreement.

This petition is related to Petition PB-11-18 LUC, which is a request for a large-scale amendment of the Future Land Use Map from Public Facilities and Residential Low-Density (up to 12 units per acre) to Education. A separate petition for a small-scale amendment of the Future Land Use Map from Residential Low-Density (up to 12 units per acre) and to Education (and a related petition for rezoning from MH (12 units/acre mobile home residential district) and to ED (Educational services district)) for the approximately 2.6-acre property to the north was recommended for approval by the City Plan Board on February 24, 2011, and is scheduled to be heard by the City Commission on April 21, 2011.

The Plan Board discussed the petition and recommended approval with a 6-0 vote.

Public notice was published in the Gainesville Sun on March 8, 2011. The Plan Board held a public hearing on March 24, 2011.

*Fiscal Note
None.*

*Recommendation
City Plan Board to City Commission - Approve Petition PB-11-19 ZON and find it consistent with the City's Comprehensive Plan and the land development regulations. The Plan Board voted 6-0.*

Staff to City Commission - Approve Petition PB-11-19 ZON.

Staff to City Plan Board - Approve Petition PB-11-19 ZON.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of May 5, 2011, authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the City of Gainesville.

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

5/5/11 City Commission Approved (Petition) (7 - 0)

100851_staff report_20110505.pdf

100851A_Append A_20110505.pdf

100851B_append B_20110505.pdf

100851C_exhibit C_Aerial UF Eastside_20110505.pdf

100851D_append D_20110505.pdf

100851E_cpb minutes_20110505.pdf

100851F_staff ppt_20110505.pdf

100851_draft ordinance_20110721.pdf

100851B_staff ppt_20110721.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**100776.****PLANNED USE DEVELOPMENT - HATCHET CREEK TIME EXTENSION (B)****Ordinance No. 100776; Petition No. PB-10-109 CPA**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element Policy 4.3.5 for the Hatchet Creek Planned Use District; by deleting policy 4.3.5.f in its entirety; providing directions to the city manager; providing time limitations for PD zoning; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: This is a request to extend the timeframe for which a Planned Development (PD) zoning ordinance must be adopted to implement the Hatchet Creek PUD. Applicant, East Gainesville Partners (EGDP), is requesting that the timeframe be extended to June 30, 2015.

On December 17, 2009 the City adopted Ordinance No. 070210 that regulates the land use of the Hatchet Creek Planned Use Development (PUD) and certain sections of that Ordinance became Policy 4.3.5 in the Future Land Use Element of the City's 2000-2010 Comprehensive Plan. Policy 4.3.5.f states, A PD (planned development) zoning ordinance consistent with the PUD must be adopted by the City Commission within 18 months of the effective date of the land use change. The obligation to apply for and obtain PD zoning shall be on the owner/developer. If the aforesaid zoning ordinance is not adopted within the 18-month period, then the overlay PUD shall automatically be null and void and of no further force and effect and the overlay shall ministerially be removed from the Future Land Use Map, leaving the original and underlying land use categories in place. The timely filing of an extension application by the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until final City Commission action on the extension application."

The applicant timely filed for an extension on March 17, 2010, and based on comments from city staff filed an amended application on December 14, 2010.

The applicant states that the purpose of the extension is to allow the property owner and the City to explore a real property exchange in which a portion of the EGDP's property would be conveyed to the City so it could expand the driving range and putting practice area at the Ironwood Golf Course and resolve existing incursions by the city onto EGDP property in exchange for City property that EGDP could use for residential development as part of its Hatchet Creek PD project." (Also, see City Manager's Memo dated June 30, 2011, in the backup.)

The extension is being processed by deleting policy 4.3.5.f from the Future Land Use Element of the City's 2000-2010 Comprehensive Plan and placing the extension language in the body of the ordinance. This will allow for future time extensions, if any, to be considered by ordinance without the necessity of amending the Comprehensive Plan.

After public notice was published in the Gainesville Sun on February 8, 2011, the City Plan Board held a public hearing on February 24, 2011 and, by a vote of 7-0, recommended the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new growth management statutory law (House Bill 7207, now Chapter Law 2011-139) effective June 2, 2011, the state land planning agency issued a letter dated June 6, 2011 stating it identified no comments related to important state resources and facilities that will be adversely impacted if this comprehensive plan amendment is adopted. A copy of their letter is attached to this memorandum. No other reviewing agencies provided comments.

This ordinance, if adopted on second reading, will be sent to the state land planning agency, and the Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective. Since the first reading of this ordinance occurred prior to June 2, 2011, it is necessary to revise Section 6 of the ordinance (the effective date section) to conform to the new law.

RECOMMENDATION

The City Commission (1) receive the report of the Department of Community Affairs and (2) adopt the proposed ordinance.

Legislative History

4/21/11 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing (7 - 0)

100776_draft ordinance_20110421.pdf
100776A_draft ordinance_20110721.pdf
100776B_DCA 6-6-11 letter_20110721.pdf
100776C_City Manager Memo 6-30-11_20110721.pdf

100679.

LAND USE CHANGE – LAND USE CHANGE - VICINITY OF WEST OF SW 34TH STREET AND NORTH OF SW ARCHER RD (B)

Ordinance No.100679; Petition No.PB-10-135 LUC-A

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use categories of certain properties annexed into the City, as more specifically described as follows: Area 1: from the Alachua County land use categories of “Low Density Residential (1-4 DU/acre)”, “Medium Density Residential (4-8 DU/acre)”, “High Density Residential (14-24 DU/acre)”, and “Institutional” to the City of Gainesville land use categories of “Conservation” and “Public Facilities”; Area 2: from the Alachua County land use category of “Low Density Residential (1-4 DU/acre)” to the City of Gainesville land use category of “Conservation” ; Area 3: from the Alachua County land use categories of “Low Density Residential (1-4 DU/acre)”, “Medium High Density Residential (8-14 DU/acre)”, and “Industrial/Manufacturing”, to the City of Gainesville land use categories of “Residential Low-Density (up to 12 units per acre)”, “Residential Medium-Density (8-30 units per acre)”, “Public Facilities” and “Business Industrial”; Area 4: from the Alachua County land use categories of “Industrial/Manufacturing”, “Office/Residential”, “Commercial” and “Tourist/Entertainment” to the City of Gainesville land use categories of “Business Industrial” and “Commercial”; located generally South of SW 7th Avenue, East of I-75, West of SW 34th Street and North of SW Archer Road, as more specifically shown and described in this ordinance; providing directions to the City Manager and the codifier; providing a severability clause; and providing an effective date.

Explanation: STAFF REPORT

This petition is a large-scale land use amendment to change Future Land Use categories from Alachua County to City of Gainesville designations. It covers approximately 277 acres of southwest Gainesville in the vicinity of SW 20th Avenue, SW Archer Road, and SW 34th Street.

The Commercial land use category was selected to reflect existing conditions and to be compatible with surrounding uses: the Conservation land use category for the northern portion of the subject area, which includes Hogtown Creek, wetlands, and the ten-year flood channel; the Business Industrial land use category for the lands adjacent to the interstate along the southern portion of SW 43rd Street; the Commercial land use category for the parcel along SW Archer Road; and the Residential Low Density, Residential Medium-Density, and Public Facilities land use categories, as appropriate, for several small parcels in the annexation area.

The original Southwest Annexation petitions (PZ-09-145LUC and

PZ-09-146ZON) were presented to the Plan Board on December 7, 2009 and to the City Commission on January 21, 2010. The City Commission voted to continue the petitions to allow further exploration of implementation options for the Urban Village portion of the petition. Per the requirements of sec. 30-347.8 of the Land Development Code, If a petition or recommendation for a change or amendment is not acted upon finally by the city commission within six months of the date upon which the report of the city plan board is filed with the city commission, the petition shall be deemed denied without prejudice. However, no petition shall be deemed denied if the city commission has continued its consideration to a date certain, or has stayed action on the petition by enactment of a moratorium ordinance."Since no action was taken during the 6-month time limit, the original land use petition (PZ-09-145LUC) and associated rezoning petition (PZ-09-146ZON) have been deemed denied without prejudice.

Given the opportunity to reintroduce this item, Planning staff chose to address the parcels that comprise the Urban Village as a separate petition, which is now PB-10-137LUC. Petition PB-10-135LUC represents only parcels located outside the Urban Village. The attached staff report reflects all of the Plan Board's recommended changes.

Public notice was published in the Gainesville Sun on January 11, 2011. The Plan Board held a public hearing on January 27, 2011. The petition requesting a large-scale land use amendment to the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map, commonly referred to as the Southwest Annexation land use amendment (Petition PB-10-135LUC), was approved by the City Commission at a public hearing on March 3, 2011.

During preparation of the ordinance to adopt this land use change, it was determined by the City Attorney's office that the areas of contiguous parcels could be adopted as a large-scale amendment, but the smaller areas of non-contiguous parcels, each totaling less than ten contiguous acres, should be separated into a small-scale land use amendment. The total number of parcels and overall acreage of the request remains the same; however, the Southwest Annexation will be implemented through two ordinances. The small-scale land use amendment is now PB-10-135LUC-B and Ordinance No. 100859.

The large-scale amendment is now PB-10-135LUC-A and Ordinance No. 100679, which reflects the parcels mapped in Exhibits A through H of this ordinance.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new growth management statutory law (House Bill 7207, now Chapter Law 2011-139) effective June 2, 2011, the state land planning agency issued a letter dated June 6, 2011 stating it identified no comments

related to important state resources and facilities that will be adversely impacted if this comprehensive plan amendment is adopted. A copy of their letter is attached to this memorandum. No other reviewing agencies provided comments.

This ordinance, if adopted on second reading, will be sent to the state land planning agency, and the Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective. Since the first reading of this ordinance occurred prior to June 2, 2011, it is necessary to revise Section 8 of the ordinance (the effective date section) to conform to the new law.

RECOMMENDATION

The City Commission (1) receive the report of the Department of Community Affairs; and (2) adopt the proposed ordinance as revised.

Legislative History

3/3/11 City Commission Approved (Petition) (7 - 0)
5/5/11 City Commission Adopted (Ordinance) on Transmittal Hearing (7 - 0)

100679_staff report_20110303.pdf
100679A_110127_cpb min.pdf
100679B_staff ppt_20110303.pdf
100679_draft ordinance_20110505.pdf
100679-A_draft ordinance_20110721.pdf
100679-B_DCA letter 6-6-11_20110721.pdf

100850.

LAND USE CHANGE – 2004 NE WALDO RD (B)

Ordinance No.100850; Petition No.PB-11-18 LUC

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use category of certain properties, as more specifically described in this ordinance, from the land use categories of “Public Facilities” and “Residential Low-Density (up to 12 units per acre)” to “Education”; consisting of approximately 14.3 acres, and located in the vicinity of 2004 Northeast Waldo Road; providing directions to the City Manager and the codifier; providing a severability clause; and providing an effective date.

Explanation: STAFF REPORT

This proposed large-scale amendment of the Future Land Use Map from Public Facilities and Residential Low Density (up to 12 units per acre) to Education is for the University of Florida Eastside Campus. This approximately 14.3-acre property is located on the west side of Waldo Road and is south of Northeast 23rd Avenue. To the south of the Eastside Campus are a residential neighborhood and an electrical contracting business. To the north are a vacant, 2.6-acre property that was previously part of the mobile home park to its north,

and Northeast 23rd Avenue. To the east and across Waldo Road is the State of Florida's Tacachale residential facility for the developmentally disabled. To the west are a self-storage facility and business center, a small non-residential building of unknown use, and a very small, vacant parcel.

The property is within the Eastside Community Redevelopment Area, but it is not within either the Enterprise Zone or a special area plan. This property is part of the 2005-2015 Campus Master Plan and is subject to the provisions of the 2005-2015 Campus Development Agreement.

The proposed land use change from Public Facilities (PF) and Residential Low-Density (up to 12 units per acre) (RL) to Education (E) is appropriate for the property's use as the University of Florida Eastside Campus. The current PF land use is a category that does not specify institutions of higher learning as an allowable use. The current RL land use (which applies only to a vacant, 0.09-acre area at the northern tip of the property at Northeast 23rd Avenue) is a category that does not allow institutions of higher learning.

This petition is related to Petition PB-11-19 ZON, which is a request for rezoning from PS (Public services and operations district) and MH (12 units/acre mobile home residential district) to ED (Educational services district). A separate petition for a small-scale amendment of the Future Land Use Map from Residential Low-Density (up to 12 units per acre) and to Education (and a related petition for rezoning from MH (12 units/acre mobile home residential district) and to ED (Educational services district)) for the approximately 2.6-acre property to the north was heard and recommended for approval by the City Plan Board on February 24, 2011, and was heard by the City Commission on April 21, 2011.

The Plan Board discussed the petition and recommended approval with a 6-0 vote.

Public notice was published in the Gainesville Sun on March 8, 2011. The Plan Board held a public hearing on March 24, 2011.

CITY ATTORNEY MEMORANDUM

Upon further review of the ordinance, it was determined that the legal description attached to the ordinance as Exhibit "A" required clarification as to the description of the property under consideration for rezoning. As correctly stated in the title, the property under consideration comprises 14.3 acres. A revised legal description is attached to the ordinance as Exhibit "A" that more clearly describes the boundary description of the property as 14.3 acres.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new growth management statutory law (House Bill 7207, now Chapter Law 2011-139) effective June 2, 2011, the state land planning agency issued a letter dated June 6, 2011 stating it identified no comments

related to important state resources and facilities that will be adversely impacted if this comprehensive plan amendment is adopted. A copy of their letter is attached to this memorandum. No other reviewing agencies provided comments.

This ordinance, if adopted on second reading, will be sent to the state land planning agency, and the Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective. Since the first reading of this ordinance occurred prior to June 2, 2011, it is necessary to revise Section 5 of the ordinance (the effective date section) to conform to the new law.

RECOMMENDATION

The City Commission (1) receive the report of the Department of Community Affairs; and (2) adopt the proposed ordinance, as revised.

Legislative History

5/5/11 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing (7 - 0)

100850_staff report_20110505.pdf
 100850A_exhibit A_20110505.pdf
 100850B_exhibit B_Aerial UF Eastside_20110505.pdf
 100850C_exhibit C_20110505.pdf
 100850D_cpb minutes_20110505.pdf
 100850E_staff ppt_20110505.pdf
 100850_draft ordinance_20110505.pdf
 100850-A_draft ordinance_20110721.pdf
 100850-B_DCA letter 06-06-11_20110721.pdf

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)
 5/19/11 City Commission Continued (2nd Reading) (7 - 0)
 6/2/11 City Commission Continued (2nd Reading) (4 - 0 - 3 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
 100327_MOD_memo_20110602_.pdf
 100327_MOD_2ND_memo_20110602.pdf
 100327_draft ordinance_20110721.pdf

100684.

AMEND FUTURE LAND USE ELEMENT POLICIES 4.1.1 AND 4.1.3 TEXT AND ADD ZONING DISTRICTS TO THE IMPLEMENTING ZONING DISTRICTS TABLE (B)

Ordinance/Legistar No. 100684; Petition No. PB-10-139 CPA

An ordinance amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan; by amending the text of Policy 4.1.1 for the land use categories of Mixed-Use Low-Intensity (MUL), Mixed-Use Medium-Intensity (MUM), Urban Mixed-Use 1 (UMU-1) and Urban Mixed-Use 2 (UMU-2); by amending the text in Policy 4.1.3 to revise criteria for proposed changes to the Future Land Use Map; by adding additional zoning districts to the table titled "Future Land Use Categories and Corresponding/Implementing Zoning Districts"; stating intent to adopt the amendments as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On April 7, 2011, the City Commission approved this ordinance by a vote of 7-0 with amendments, adding CCD-1 and UMU-3 to the zoning districts chart in Section 3 of the ordinance. City staff inadvertently failed to include those amendments when transmitting the ordinance to the Department of Community Affairs. City staff now recommends that the ordinance be amended on second reading to delete those zoning districts for two reasons. The first is that those zoning districts do not exist and city staff has no imminent plans to create those districts. Secondly, under the newly adopted state growth management law

(House Bill 7207, now Chapter Law 2011-139) effective June 2, 2011, if the city decides to create those zoning districts it can, at any time, amend the comprehensive plan to include those districts.

In addition, based on Chapter Law 2011-139, staff recommends amending the ordinance on second reading to be consistent with this new law by deleting "Financial feasibility" from Policy 4.1.3 and inserting "an analysis of the availability of facilities and services."

The ordinance amends the Future Land Use Element (FLUE) within the City's Comprehensive Plan to clarify and update information. The policies proposed for amendment are Policy 4.1.1 and Policy 4.1.3 and the table titled Future Land Use Categories and Corresponding/Implementing Zoning Districts."

In Policy 4.1.1, the Mixed Use Low (MUL) and Mixed Use Medium (MUM) categories are amended to add an exemption to the minimum density requirements for parcels 0.5 acres and smaller. Citywide there are several parcels with these land use category designations that are equal to or smaller than 0.5 acres. Due to size and layout constraints, these parcels have difficulty meeting the minimum density requirements when providing parking and stormwater facilities on site. This results in limited development/redevelopment opportunities for these small parcels. The proposed language is consistent with language in the Residential Medium and Residential High land use categories and zoning categories for the same residential densities. The date of November 13, 1991 is used as that is the effective date of the City's original Comprehensive Plan.

In Policy 4.1.1, the Urban Mixed-Use 1 (UMU-1) and Urban Mixed-Use 2 (UMU-2) categories are being amended to:

Add minimum density requirements to ensure transit supportive residential development;

Add an exemption to the minimum density requirements for parcels 0.5 acres and smaller;

Add clarifying language about the types of research and development uses allowed. This broadens the language beyond the biotechnology field so that it is clear that multiple types of research are encouraged in the category and makes it consistent with language in the UMU-1 and UMU-2 zoning districts;

Clarify that an essential component of the district is its multi-modal (not just pedestrian) character; and,

Change and clarify the requirement concerning two-story development to make it a requirement for principal, non-single family buildings with a minimum height of 24 feet instead of two stories. This change is consistent with the proposed new UMU-2 zoning district requirements and allows some flexibility for buildings to appear two-story without the added cost of building the added interior floor. Input from consultants has indicated that the actual height as opposed to real building stories is as effective in creating the street frontage image. In addition, this clarifies that the height requirement is for principal

buildings in the development and not all buildings (such as accessory storage buildings or pool clubhouses).

In Policy 4.1.3, which sets forth criteria used to evaluate proposed changes to the Future Land Use Map, Planning staff determined the policy language requires clarification and additional criteria needed to be added.

With regards to the Land Use Categories and Corresponding/Implementing Zoning Districts table, it is amended to add additional implementing zoning districts for associated land use categories. These changes are consistent with the Land Development Code and are recommended to add flexibility to the impacted land use categories.

After public notice was published in the Gainesville Sun on January 11, 2011, the City Plan Board held a public hearing on January 27, 2011 and, by a vote of 6-0, recommended the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new growth management statutory law (House Bill 7207, now chapter law 2011-139) effective June 2, 2011, the state land planning agency issued a letter dated June 6, 2011 stating it identified no comments related to important state resources and facilities that will be adversely impacted if adopted. No other reviewing agencies provided comments.

This ordinance, if adopted on second reading will be transmitted to the state land planning agency, and the Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective. Since the first reading of this ordinance occurred prior to June 2, 2011, it is necessary to revise Section 7 of the ordinance (the effective date section) to conform to the new law.

RECOMMENDATION

The City Commission (1) receive the report of the Department of Community Affairs; (2) adopt the ordinance as revised to: a) delete the UMU-3 and CCD-1 zoning districts, and b) delete financial feasibility and add new language to be consistent with Chapter Law 2011-139.

Legislative History

3/17/11	City Commission	Continued (7 - 0)
4/7/11	City Commission	Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing, as amended (7 - 0)

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100684A_CPB minutes_20110317.pdf
100684B_staff ppt_20110317.pdf
100684_staff report_20110407.pdf
100684A_CPB minutes_20110407.pdf
100684B_staff ppt_20110407.pdf
100684B_DCA 6-6-11 letter_20110721.pdf
100684A_draft ordinance_20110721.pdf

100690.**LAND USE CHANGE - COMPREHENSIVE PLAN TEXT AMENDMENT
- INNOVATION ZONE MAP (B)**

Ordinance No. 100690; Petition No. PB-10-138LUC & PB-10-140CPA
An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element; amending the Intergovernmental Coordination Element by repealing the obsolete Innovation Zone Map and adopting the new Innovation Zone Map and adding it to the Future Land Use Map Series; amending Objective 1.7 of the Intergovernmental Coordination Element to reference the Innovation Zone Map in the Future Land Use Map Series; providing directions to the City Manager and the codifier; providing a severability clause; and providing an effective date.

Explanation: STAFF REPORT

Petition No. PB-10-138LUC - This petition deletes the Innovation Zone map from the Intergovernmental Coordination Element and adds it to the Future Land Use Map Series to give the Innovation Zone a more prominent location in the Comprehensive Plan. In addition, several properties were deleted from the Innovation Zone, and several new properties were added. Some of the deletions/additions were to match property lines and/or streets to better clarify boundaries.

The areas that were added include the former Alachua County Fairgrounds site near the airport (known as the Alachua County Business Industrial Employment Center) and a portion of the Urban Village area proximate to SW 34th Street. Both of these areas have potential for new businesses that specialize in bringing innovative technologies or processes into production in various technology fields. This is consistent with both the Business Industrial land use adopted on the Alachua County site and the Urban Mixed Use-2 proposed for the Urban Village area. There were also some minor expansions in contiguous areas of the Innovation Zone where there were Urban Mixed Use or Industrial designated properties.

The properties that were deleted from the map are primarily residential, which are not expected to become non-residential during the Planning period. As a result, these properties have no potential for Innovation Zone businesses and are more appropriately excluded.

The Plan Board discussed the petition and recommended approval with a 6-0 vote.

Public notice was published in the Gainesville Sun on January 11, 2011. The Plan Board held a public hearing on January 27, 2011.

Petition No. PB-10-140CPA - This petition amends the text of Objective 1.7 in the Intergovernmental Coordination Element (ICE) to add a reference indicating that the Innovation Zone is mapped in the Future Land Use Element Map Series.

Currently, the Innovation Zone map is located at the end of the Intergovernmental Coordination Element. Related Petition PB-10-138 LUC deletes the map from the Intergovernmental Coordination Element and moves it to the Future Land Use Map Series (and adds/deletes properties from the zone) to give the map more prominence in the Comprehensive Plan. Since the map is being moved away from the Innovation Zone policies in the ICE, this recommended text addition is a convenience to readers so that they can easily find the Innovation Zone map.

The Plan Board discussed the petition and recommended approval with a 6-0 vote.

Public notice was published in the Gainesville Sun on January 11, 2011. The Plan Board held a public hearing on January 27, 2011.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

Under the law in effect prior to July 1, 2011, the State of Florida Department of Community Affairs issued a letter dated June 6, 2011, stating that the Department raises no objections to the proposed amendment. A copy of their letter is attached to this memorandum.

Under the newly effective growth management statutory law effective July 1, 2011, the Plan amendment, if not timely challenged, shall be 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective. Since the first reading of this ordinance occurred prior to July 1, 2011, it is necessary to revise Section 7 of the ordinance (the effective date section) to conform to the new law.

RECOMMENDATION

The City Commission: 1) receive the report of the Department of Community Affairs and; 2) adopt the proposed ordinance as revised.

Legislative History

3/17/11 City Commission Continued (7 - 0)

4/7/11 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing, as amended (7 - 0)

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 100690D_staff ppt_20110407.pdf
 100690-A_draft ordinance_20110721.pdf
 100690-B_DCA letter 6-6-11_20110721.pdf

100760.

LAND USE CHANGE – AIRPORT PROPERTY (B)

Ordinance No. 100760; Petition No. PB-11-12LUC

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of “Conservation” to “Business Industrial”; consisting of approximately 47.8 acres, located in the vicinity of 3801 Northeast Waldo Road; providing directions to the City Manager and the codifier; providing a severability clause; and providing an effective date.

Explanation: STAFF REPORT

This petition is a large-scale land use amendment to change the Future Land Use designation on a 47.8-acre portion of a 48-acre parcel from the Conservation land use category to Business Industrial, leaving a 0.2-acre portion in the Conservation land use category since it serves to buffer an environmentally sensitive area on the neighboring parcel to the south. This parcel is located on NE Waldo Road north of NE 39th Avenue and is bounded by the Gainesville Regional Airport and the Alachua County Fairgrounds.

The subject property has been owned by the City of Gainesville since 1986, and is managed by the Gainesville Regional Airport. It is undeveloped and primarily consists of an open field, used occasionally for horse shows or overflow parking for special events. Amending the 47.8-acre portion of this parcel to the Business Industrial land use category is consistent with Plan East Gainesville, which was accepted by the City Commission in 2003, and the Gainesville Airport Authority's Master Planning Report, which was approved by the City Commission in August 2010 (Legistar number 100233). These plans include the construction of a new airport entry road from Waldo Road, which will be underway in early 2011.

Public notice was published in the Gainesville Sun on February 8, 2011. The City Plan Board held a public hearing on February 24, 2011.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new growth management statutory law (House Bill 7207, now Chapter Law 2011-139) effective June 2, 2011, the state land planning agency issued a letter dated June 6, 2011 stating it identified no comments related to important state resources and facilities that will be adversely impacted if this comprehensive plan amendment is adopted. A copy of their letter is attached to this memorandum. No other reviewing agencies provided comments.

This ordinance, if adopted on second reading, will be sent to the state land planning agency, and the Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective. Since the first reading of this ordinance occurred prior to June 2, 2011, it is necessary to revise Section 5 of the ordinance (the effective date section) to conform to the new law.

RECOMMENDATION

The City Commission: 1) receive the report of the Department of Community Affairs and; 2) adopt the proposed ordinance as revised.

Legislative History

4/21/11 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing (7 - 0)

100760_draft ordinance_20110421.pdf
 100760_staff report_20110421.pdf
 100760A_exhibit A_20110421.pdf
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 100760C_exhibit C_20110421.pdf
 100760D_cpb minutes_20110421.pdf
 100760E_staff ppt_20110421.pdf
 100760-A_draft ordinance_20110721.pdf
 100760-B_DCA letter 06-06-11_20110721.pdf

100903.**URBAN SERVICES REPORT - EAST SIDE PROPERTIES (B)****Ordinance No. 100903**

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 comprised of Tax Parcel Numbers 10890-000-000, 10889-000-000, 10889-002-000, 10889-003-000, 16127-003-000, 16127-003-001, 16125-005-000, 16125-000-000, 16126-000-000 and 16125-007-000. Tax

parcel 10890-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcel 10890-002-000, and east of the Gainesville City Limits. Tax parcel 10889-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-002-002 and 16127-002-001, and east of tax parcels 10890-000-000 and 10890-002-000. Tax parcels 10889-002-000 and 10889-003-000 are generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-003-000 and 16125-001-001, and east of tax parcel 10889-000-000. Tax parcel 16127-003-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of the Gainesville City Limits. Tax parcel 16127-003-001 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of the Gainesville City Limits. Tax parcel 16125-005-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of tax parcel 16127-003-000. Tax parcel 16125-000-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of tax parcel 16125-007-000. Tax parcel 16126-000-000 is generally located south of South East Hawthorne Road, west of South East 43rd Terrace, north of Paynes Prairie Preserve State Park, and east of South East 39th Terrace. Tax parcel 16125-007-000 is generally located south of tax parcel 16127-003-001, west of S.E. 43rd Street, north of Hawthorne Road, and east of tax parcel 16127-003-001; 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 Act 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 five years because of the annexation; to what extent taxes would need to be adjusted within the next five 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 are 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 July 21, 2011. 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

5/5/11	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
7/7/11	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

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100903_Eastside Urban Services Report Ordinance_20110707.pdf

100198.

GRAFFITI ABATEMENT PROGRAM (B)

Ordinance No. 100198

An Ordinance of the City of Gainesville, Florida, amending Divisions 1 and 2 of Chapter 13 of the Code of Ordinances relating to graffiti; by repealing the definition of graffiti in Division 1, section 13-1 and repealing the reference to graffiti in Division 1, section 13-2; amending Division 2 by creating and adding the Gainesville Graffiti Abatement Program, consisting of sections 13-6 through 13-13; providing title, purpose and findings; definitions; removal of graffiti; reporting of graffiti; graffiti on city property; graffiti on other government property; graffiti on private owned property; failure of owner to abate graffiti; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PUBLIC SAFETY COMMITTEE REPORT

The Public Safety Committee discussed this referral at its September 27, 2010

and January 10, 2011 meetings, hearing reports from staff on how other cities handle their graffiti issues and the issue of gang related graffiti, including the Tallahassee model. At the January 10, 2011 meeting, the Committee voted unanimously to recommend that the City Commission authorize drafting a graffiti abatement ordinance to provide Code Enforcement regulations to handle the clean up of graffiti by private owners; using a model from Miami Beach that was presented to the Committee that states if the owner doesn't clean up the graffiti, the City will clean it up and may bill them for it. This Miami Beach provision was, itself, largely based upon the IMLA Model Anti-Graffiti Ordinance.

CITY ATTORNEY MEMORANDUM

After researching the issues relating to the elimination and removal of graffiti by other jurisdictions, the City Attorney's Office, in consultation with the City Manager, the Police Department and Code Enforcement Division, revised the proposal as approved by the Public Safety Committee to more specifically address the objective of the Public Safety Committee's recommendation, namely the elimination and removal of graffiti on public and private property. In particular, the proposed ordinance accomplishes the following:

- 1) Defines graffiti in a manner that should withstand judicial scrutiny;
- 2) holds the person who applies the graffiti responsible for its removal or the payment for its removal;
- 3) requires the City Manager to establish an effective reporting program;
- 4) provides for the proper removal of graffiti on public and private property by self-help or by City personnel or the use of community based programs such as Keep Alachua County Beautiful.

At its meeting on February 17, 2011, the City Commission authorized the Clerk of the Commission to advertise and the City Attorney to draft a graffiti abatement ordinance. This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on Thursday, July 21, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/15/10	City Commission	Referred (7 - 0)	Public Safety Committee
9/27/10	Public Safety Committee	Discussed	
1/10/11	Public Safety Committee	Discussed	
2/17/11	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
7/7/11	City Commission	Adopted on First Reading (Ordinance) (7 - 0)	

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 100198_GraffitiOrdOtherCities_20110110.pdf
 100198_GraffitiOrdinances_20110217.pdf
 100198_Draft Ordinance_20110707.pdf
 100198b_Graffiti Abatement Program_20110707.ppt

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)