

# City of Gainesville

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



## **Meeting Agenda - Final**

**February 21, 2013**

**1:00 PM**

**Modified Agenda**

**City Hall Auditorium**

## **City Commission**

*Mayor Craig Lowe (At Large)  
Mayor-Commissioner Pro-Tem Lauren Poe (At Large)  
Commissioner Thomas Hawkins (At Large)  
Commissioner Yvonne Hinson-Rawls (District 1)  
Commissioner Todd Chase (District 2)  
Commissioner Susan Bottcher (District 3)  
Commissioner Randy Wells (District 4)*

*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**[120792.](#)**2013 Plum Creek Foundation Grant Program Application (NB)**

**This item requests City Commission authorization to apply for the 2013 Plum Creek Foundation Grant Program funds in the amount of \$2,100 for GPD's Summer Kids Camp and Honor Roll recognition.**

*Explanation: The Plum Creek Foundation provides philanthropic contributions to community organizations to support and improve the general welfare and quality of life in the communities. GPD's Crime Prevention Office has prepared a proposal for Plum Creek's consideration to fund the Summer Kids Camp. The Camp is a week long camp that is offered for free to children from selected low income housing areas. Meals, activities, presentations, and field trips are provided for children every day. The Camp provides an opportunity for children and their families to have positive interactions with police. Safety topics are also covered as part of the Camp's curriculum. The Camp provides an alternative for parents who are unable to participate in paid summer camp activities. Honor Roll recognition events will be planned and coordinated in conjunction with two local schools in the city limits of Gainesville. Six Honor Roll recognition events will occur throughout the 2013-14 school year (beginning February 2013). A final event will be planned to coincide with the end of the school year in June 2013.*

*Fiscal Note: The application requests \$2,100 (\$1,500 for 2 week-long summer camps*

serving up to 20 children for each camp; \$600 for 6 honor roll recognition events for between 30 and 40 children for each event).

**RECOMMENDATION**

*The City Commission authorize the City Manager to execute the grant application, grant award, if received, and any other necessary documents subject to review by the City Attorney.*

[120798](#)

**State Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for “You and the Law” Crime Prevention Program (NB)**

**This item requests that the City Commission appropriate and expend \$15,000 in funds from the State Law Enforcement Contraband Forfeiture Trust Fund for Gainesville Police Department’s for “You and the Law” Program.**

*Explanation: The Police Department was awarded \$15,000 from the Florida Department of Law Enforcement’s Byrne Grant program to facilitate a new initiative by the Department to educate the youth about the law and the consequences of violating them. The program will involve instruction regarding laws and law enforcement and how it relates to juveniles in our community. A Law Professor with the University of Florida will facilitate classes for at-risk youth, young adults, parents and Neighborhood Crime Watches. Participants will be provided an informational booklet. This program is a continuation of the Police Department’s effort to assist high-risk youth that have the greatest likelihood of becoming part of the criminal justice system.*

*Fiscal Note: The ‘You and the Law’ grant from FDLE required no match. The grant application requests funding for equipment and a part-time staff member to oversee and supervise youth involved in meeting the objectives of the award. The funds requested from the State Law Enforcement Contraband Forfeiture Trust Fund are to provide additional funds needed to staff the program. Funds for this expenditure are available in the State Law Enforcement Contraband Forfeiture Trust Fund, as allowed under Florida State Statue 932.7055. The balance of the State Law Enforcement Contraband Forfeiture Trust Fund as of January 31, 2013 is \$81,150.*

**RECOMMENDATION**

*The City Commission authorize the appropriation of \$15,000 from the State Law Enforcement Contraband Forfeiture Trust Fund to supplement the grant awarded and assist with the implementation of the “You and the Law” Program.*

*Alternative Recommendation A: The City Commission decline the appropriation and direct staff to seek alternative maintenance options and not implement new programs designed to curb youth violence.*

[120799.](#)

**State Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for the 2013 Summer Heat Wave/Operation Respect Yourself Program (NB)**

**This is a request for funding to support the 2013 Summer Heat Wave/Operation Respect Yourself Program.**

*Explanation: The Gainesville Police Department is requesting \$10,000 for the 2013 Summer Heat Wave/Operation Respect Yourself Program. The funds will be used to facilitate recreational activities and supply food, drinks and recreational supplies. Heat Wave is a summer youth program in its fifth year aimed at providing focused and structured summer recreational activities complete with positive messaging and weekly positive themes. It is free to all youth participants.*

*In addition, Operation Respect Yourself focuses on social events for school age children combining music, food, and sport activities emphasizing non-violent conflict resolution. These events are scheduled at City of Gainesville pools throughout the city. This is a joint partnership between the City of Gainesville's Parks, Recreation, and Cultural Affairs Department and the Gainesville Police Department. Additionally, in-kind services will be provided by City staff. Parks, Recreation and Cultural Affairs Department will utilize up to \$5,000 for the youth program.*

*Fiscal Note: Funds in the amount of \$10,000 for this expenditure are available in the State Law Enforcement Contraband and Forfeiture Trust Fund, as allowed under FSS 932.7055. The approximate balance is \$81,150.*

**RECOMMENDATION**

*The City Commission approves the use of State Law Enforcement Contraband Forfeiture Trust Funds not to exceed \$10,000 to support the Summer Heat Wave/Operation Respect Yourself 2013 Program.*

*Alternative Recommendation*

*The City Commission deny funding which will result in the Summer Heat Wave/Operation Respect Yourself 2013 Program being cancelled or scaled back*

[120800.](#)

**State Law Enforcement Forfeiture Funding Expenditure for Hiring of One FTE for Reichert House Youth Academy (B)**

**This item requests that the City Commission appropriate and expend \$28,000 for the hiring of one full time employee (fte) for the Reichert House Youth Academy.**

*Explanation:* The Reichert House Youth Academy is requesting funding to continue staffing an additional Intervention Specialist position employed by the Black on Black Crime Task Force, that was funded last year to assist with overall staffing levels for the program. Due to the increased dynamics, grant requirements and the level of maintaining the Reichert House Youth Academy, the Black on Black Crime Task Force is requesting the additional funding in the amount of \$ 28,000 to hire one Full-Time Employee (FTE). This staff member would serve as an Intervention Specialist at the Reichert House and assist in supervising over 90 youths on a daily basis. Additional duties of this FTE would include working with youth during school hours, as well as after-school hours, home visits and weekend events. The FTE would also serve as a squad leader for a designated group of youth. In addition, this person would assist program participants in achieving the established standards, such as the F.C.A.T. preparation, prevention activities, sports and anger management.

*Fiscal Note:* Funds in the amount of \$28,000 for this expenditure are available in the State Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Florida State Statute 932.7055. The balance in the account is approximately \$81,150.

**RECOMMENDATION**

The City Commission approve the appropriation in the amount of \$28,000 from the State Law Enforcement Contraband Forfeiture Trust Fund for the hiring of one FTE for the Reichert House Youth Academy.

Alternative recommendation: The City Commission deny funding.

[120800\\_BlkOnBlkCrimeTaskForceRequest\\_20130221](#)

[120681.](#)

**Lease Agreements with Alachua County Library District for Fred Cone Park (NB)**

**This item requests approval and authorization by the Gainesville City Commission for the Mayor to execute a modified Ground Lease agreement for a permanent library building with the Alachua County Library District for Fred Cone Park**

*Modification - Revised Language in the Explanation and Added Back-up*

*Explanation:* Funding from the City of Gainesville's portion of the Wild Spaces, Public Places Half Cent Surtax included an allocation for development of Cone Park. In the fall of 2009, the Alachua County Library District indicated their interest in pursuing possible options to establish a branch facility at the site, in conjunction with the park improvements. Based on these discussions, the infrastructure needed for this possible library branch was included in the conceptual site plan and cost proposal that the City Commission approved at their meeting on March 18, 2010.

On February 22, 2011, the City and the Library District entered into a Memorandum of Understanding which outlined non-binding concepts in order to further the mutual goal of locating a library branch at Fred Cone Park. In the summer of 2011, a temporary modular library unit was installed at the park. City and Library District staff have been working to finalize terms of both a Ground Lease for the permanent library branch building, as well as for the temporary modular unit.

On January 17, 2013, the City Commission approved both leases as submitted by staff including a 50 year lease with an automatic ten year extension for the permanent building as negotiated by City and Library staff. During the Library District's Board of Governors' meeting on January 24, 2013, the lease for the temporary modular unit was approved, and revisions were recommended to the Ground Lease for a permanent building including a 99-year Ground Lease with automatic recurring ten-year extensions.

On February 7, 2013, the City Commission briefly discussed the changes recommended by the Library Board of Governors. City staff spoke with Library staff and indicated a willingness to recommend a 99 year lease with no extensions. If, after 99 years, both parties wish to continue with the lease arrangement they can take action to do so. On February 14, 2013, the Library District's Board of Governors met and had the opportunity to further discuss the lease; those results are now shared with the City Commission.

*Fiscal Note:* City planned and constructed park improvements and infrastructure at Fred Cone Park, including but not limited to, parking, lighting and utilities. Some of this infrastructure is available to serve the Library and therefore, the Library has agreed to contribute \$149,000 towards such infrastructure. The terms of the modified Ground Lease for a permanent library building include that Lessee shall make payment to the Lessor within 15 days of approval of the Ground Lease by both parties.

**RECOMMENDATION**

The City Commission: 1) approve the modified Ground Lease between the City of Gainesville and the Alachua County Library District for a permanent library building, to include a 99-year lease; and 2) authorize the Mayor to execute and the Clerk of the Commission to attest the modified Ground Lease agreement for the permanent library, subject to approval by the City Attorney as to form and legality.

[120681A\\_MOU\\_20130117.pdf](#)

[120681B\\_GrnLsPerm\\_20130117.pdf](#)

[120681C\\_GrnLsTmpMod\\_20130117.pdf](#)

[120681\\_MOD Ground Lease Agreement\\_20130221.pdf](#)

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

## CITY ATTORNEY, CONSENT AGENDA ITEMS

[120811.](#)

BAYCORP HOLDINGS LTD.; ENERGY MANAGEMENT, INC.; STARWOOD ENERGY GROUP GLOBAL, LLC; STARWOOD ENERGY GROUP GLOBAL, INC.; RONALD FAGEN; AND DIANE FAGEN, PLAINTIFFS V. THE CITY OF GAINESVILLE, FLORIDA, D/B/A GAINESVILLE REGIONAL UTILITIES, DEFENDANT; NORTHERN DISTRICT OF FLORIDA, CASE NO. 13CV00024-SPM-GRJ (B)

*Explanation: On February 4, 2013, the City was served with a Summons and Complaint filed by Baycorp Holdings Ltd, et. al. Baycorp Holdings Ltd. and the other plaintiffs allege that they are improperly named as parties in the AAA Arbitration between the City and Gainesville Renewable Energy Center, LLC (GREC) because they were not parties to the Purchase Power Agreement which is the subject of the arbitration. The Plaintiffs ask the Court to enjoin the City from proceeding with the arbitration as to the Plaintiffs or as to any individual or entity other than GREC.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney, assisted by special counsel, to represent the City in the case styled Baycorp Holdings Ltd.; Energy Management, Inc.; Starwood Energy Group Global, LLC; Starwood Energy Group Global, Inc.; Ronald Fagen; and Diane Fagen, Plaintiffs v. the City of Gainesville, Florida, d/b/a Gainesville Regional Utilities, Defendant; Northern District of Florida, Case No. 13CV00024-SPM-GRJ.*

[120811\\_Baycorp Holdings Consent\\_20120221.pdf](#)

## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[120832.](#)

**Appointments to City Commission Advisory Boards and Committees (NB)**

*Modification - Added Language to the Recommendation*

**RECOMMENDATION**

*The City Commission appoint:*

*Paige Phelps to the Citizens Advisory Committee for Community Development for a term to expire 11/1/16.*

*Steven Schell, Dustin Stephany and John Lawson to the Gainesville Energy Advisory Committee for*

a term to expire 9/30/16.

Jason McLean to the Gainesville Human Rights Board for a term to expire 2/22/16.

James Reeves to the Historic Preservation Board for a term to expire 6/1/14.

Meg Niederhofer to the Tree Advisory Board for a term to expire 1/1/16.

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT**

## **PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

## **PUBLIC SAFETY COMMITTEE, CONSENT**

## **AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**

### [120755.](#)

### **Review of GRU Billing and Collection (B)**

*Modification - On Agenda*

*Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office has completed a Review of GRU Billing and Collection. The primary objective of this audit was to evaluate the system of management control over billing and collection processes related to GRU revenues. During our review, we interviewed key personnel, observed operations, reviewed management controls, and tested selected samples of transactions and supporting documentation.*

*Based on the results of our review, we believe that GRU has strong management controls in place to ensure that revenues are properly billed, collected and recorded. The attached report provides two recommendations related to billing adjustments and customer invoice processing, which we believe will strengthen the overall process of billing and collecting GRU revenues.*

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



**RECOMMENDATION**

*The City Commission:*

1. *Accept the City Auditor's report and the response from the General Manager for Utilities, and*
2. *Instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

**Legislative History**

1/29/13      Audit, Finance and      Approved as Recommended  
 Legislative  
 Committee

[120755 - AUDIT REPORT GRU BILLING AND COLLECTION - AFLC 1-29-13.p](#)

**120201.****Community Grant Program Requirements (B)**

*Modification - On Agenda*

*Explanation: The City Commission developed the Community Grant Program (CGP) and implemented it for the first time in Fiscal Year 2010-2011. The purpose of the CGP is to provide small amounts of funding to non-profit organizations performing community services that advance City goals to support activities that serve a public purpose and improve the quality of life for Gainesville residents. The maximum grant award is \$2,500 per eligible non-profit organization. The City Commission has developed and adopted guidelines describing eligible organizations, reimbursable activities, and program requirements and procedures. The Commission desired to keep the Community Grant Program application process simple for both the applicants and staff. The Commission also indicated a desire to fund as many eligible programs as possible within the approved program budget.*

*On July 17, 2012, the City Commission held a Special Budget Meeting to discuss several aspects of the FY 2012-13 Budget including the CGP. At that meeting the City Commission approved specific funding recommendations for specific organizations, through the CGP. The City Commission approved the funding requests for 43 of 44 organizations. There was much discussion related to the organization that was not funded. As a result, the City Commission asked the Audit, Finance and Legislation Committee (AFLC) to review and comment regarding the CGP's guidelines and procedures, particularly related to how organizations are, or are not, evaluated in terms of legitimacy, transparency and veracity.*

*At their November 26, 2012 and January 29, 2013 Meetings, the AFLC discussed proposed changes to the CGP guidelines. The AFLC agreed that keeping the current CGP application process simple for applicants and staff was important. Further, the AFLC felt that some minor adjustments were needed to more clearly define some of the CGP*

guidelines. The AFLC felt that this could be accomplished while also maintaining the goal of keeping the program process simple. The AFLC agreed that adjustments to the guidelines should deal with the applicant's organizational structure, financial situation, and affiliations and partners.

Additionally, the AFLC noted that specific written criteria and priorities should be included to guide applicants and decision-makers in determining eligible organizations. They asked for language that prioritized the use of facts and science in the provision of services; and that the prohibition on certain activities (such as discrimination or the promotion of a religion) be emphasized. The AFLC also agreed that beginning in FY2014, the maximum annual reimbursement for utilities should be increased from \$100/family to \$200/family, and that the maximum annual grant award should be increased from \$2,500/organization to \$3,000/organization.

Other changes have been proposed by some of the non-profit organizations that have applied for CGP Funds. One of those changes includes allowing reimbursement to organizations for providing First Aid, GED, and/or Adult Financial Literacy classes. Another one is to allow reimbursement for Veterinary Care for pets of Homeless and/or indigent persons, not just the pets of homeless persons, as originally written. The AFLC has agreed with those changes.

The AFLC also asked for additional comment from the Affordable Housing Advisory Committee (AHAC), which is the advisory board that sits as the grant review committee for the CGP. The AHAC met on December 4, 2012 and on January 8, 2013. At both meetings, AHAC strongly recommended keeping the process as simple as possible for applicants, staff and reviewing committees. The AHAC emphasized two factors in particular. First, they felt that the relatively small budget of the program makes it inefficient for all involved to spend much time and effort on paperwork and administration. The second factor was related to the applicants' status as Florida registered non-profit organizations and as 501(c)3 tax-exempt organizations. AHAC noted that annual financial and organizational reports to the State and Federal Governments are required to maintain those designations. The AHAC felt that it would be redundant and inefficient to require applicants to provide information to the City that was already on file and accessible from State and Federal entities.

The revised CGP guidelines and application form, as approved by the AFLC, are provided as backup.

**RECOMMENDATION**

The City Commission accept the changes to the Community Grant Program Guidelines and Application Form.

**Legislative History**

7/17/12	City Commission	Referred to the Audit, Finance and Legislative Committee
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11/26/12	Audit, Finance and Legislative Committee	Retained in Committee
1/29/13	Audit, Finance and Legislative Committee	Approved as Recommended, as Modified

[120201 - Memo reg Community Grant Program - AFLC 11-26-12.pdf](#)

[120201 Attachment A Community Grant Program - AFLC 11-26-12.pdf](#)

[120201 Attachment B Community Grant Program - AFLC 11-26-12.pdf](#)

[120201 Attachment A Revised January 2013 Community Grant Program-AFLC](#)

[120201 Attachment B CGP Application - AFLC 1-29-13.pdf](#)

[120201 FINAL DRAFT Community Grant Program FY 2013-2014.PDF](#)

[120201 FINAL DRAFT CGP App FY 2013-2014.PDF](#)

[120741.](#)

### **Amendment to Purchasing Procedures to Provide for Bid Protest Bond (B)**

*Modification - On Agenda*

*Explanation: City Purchasing Policy provides for any actual or prospective bidder who is aggrieved in connection with a solicitation or award of a contract to file a bid protest in a form which complies with a process outlined in the City's purchasing procedures. In recent years, perhaps precipitated by declining economic conditions, the number of bid protests has increased noticeably.*

*Protests on solicitations which require approval of the City Commission, i.e. all bids over \$50,000, are heard by the appropriate Department Head and then the City Manager. A protester may appeal the decision of the City Manager to the City Commission. Protests on solicitations not requiring City Commission approval are heard by the Finance Director as the final arbiter. In either case, protests require a great deal of staff time, which is not only costly but interrupts the work flow and delivery of service to City operating departments. Currently, there is no disincentive to prospective bidders filing a bid protest, regardless of whether there is a reasonable basis for the protest. One manner of introducing such a disincentive is through the requirement for a protest to be accompanied by a bid protest bond.*

*A survey of local governments was conducted to determine which if any included a bid protest bond in their policies. As the table below indicates, of those governments that responded to the survey, all except Alachua County had some form of bid protest bond as part of their policies. Staff recommends that a bid protest bond be instituted. To accomplish this, the following language would be added to Purchasing Procedures Section 41-582, Format of Protest:*

*Protests shall be accompanied by a protest bond of an amount equal to*

one percent of the value of the solicitation but in no case less than \$500.00 or greater than \$5,000.00. This bond shall be by a U.S. postal service money order, certified cashiers or bank check payable to the City of Gainesville. Failure to post such bond within three business days after the filing of the protest shall result in the protest being dismissed by the Purchasing Manager or his or her designee. The bond shall be forfeited at the conclusion of the protest proceedings if the administrative official making the final decision determines that the protest was filed for a frivolous or improper purpose, including but not limited to harassing, causing unnecessary delay, or causing needless cost for the City or other parties.

By including language which mandates the forfeiture of the bid protest bond in instances where the protest is determined to be frivolous, it is staff's intention to reduce the frequency of such frivolous protests while preserving an avenue of recourse for bidders with legitimate concerns regarding a particular solicitation process.

*Fiscal Note:* There is no fiscal impact.

**RECOMMENDATION**

The Audit, Finance and Legislative Committee recommends the City Commission approve staff's request to amend the Purchasing Procedures to provide for a bid protest bond. Included in the procedural change will be staff's explanation of the bid protest bond process.

**Legislative History**

1/29/13      Audit, Finance and      Approved as Recommended, as Modified  
    Legislative  
    Committee

[120741A BID PROTEST FILED\\_ 20130129.pdf](#)

[120741B BID PROTEST BOND\\_ 20130129.pdf](#)

[120757.](#)

**Fiscal Year 2013 Operating Funds Quarterly Monitoring Report -  
 Quarter Ending December 31, 2012 (B)**

*Modification - On Agenda*

*Explanation:* The City's General Government Budget Policy requires staff to prepare and submit a quarterly Budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund fund balances to the Audit, Finance and Legislative Committee.

**RECOMMENDATION**

The City Commission receive the quarterly budget monitoring report for the quarter ended December 31, 2012.

**Legislative History**

1/29/13      Audit, Finance and      Approved as Recommended  
                 Legislative  
                 Committee

[120757 - ATTACHMENT - FY13 1st QUARTER MONITORING REPORT - AFLC](#)

## EQUAL OPPORTUNITY COMMITTEE, CONSENT

## COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

## END OF CONSENT AGENDA

## ADOPTION OF THE REGULAR AGENDA

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

[120871.](#)

Canvass Board Appointment (NB)

*Modification - Added to Agenda*

**RECOMMENDATION**

*The City Commission make a citizen appointment.*

## CITY MANAGER

[120250.](#)

### **Declare the Property at 217 Northeast 1st Street Surplus (B)**

**This item is a request to declare the City owned property, located at 217 Northeast 1st Street as surplus and offer it in exchange for a portion of the State owned Correctional Facility on Northeast 39th Avenue.**

*Explanation: April 21st of 1999, the Gainesville Community Redevelopment Agency (CRA) as agent for the City of Gainesville purchased Tax Parcels 14733-000-000 and 14733-001-000, located at 217 and 211 Northeast 1st Street, respectively, from law office of Chandler, Lang, and Haswell. Because the property was owned by heirs and successors, the CRA facilitated this acquisition for the City. Once the title of the property was conveyed onto the CRA, the CRA leased the law offices to Chandler, Lang, and Haswell, P.A. and conveyed the property onto the City, April 30, 1999. Chandler, Lang, and Haswell, P.A. leased the law office until August 31, 2008. For the purposes of record keeping, the two parcels were combined into 14733-000-000 and identified as 217 Northeast 1st Street. With the renovations to the Gainesville Police Department facility, the law offices are currently housing the Detective Division.*

The City desires to obtain the State owned Correctional Facility, located south of Northeast 39th Avenue. The Department of Corrections wants to retain the administrative/gate building, medical building, and training building (“the remnant property”) for their parole and probation offices. Staff with community and other government input believes that the entire former Correctional Facility should remain intact for best planning and operational uses.

Upon the Department of Corrections review of the law offices an offer to exchange the remnant property for the law offices was made. The Department of Corrections is willing to exchange that portion of the Correctional Facility for the City owned law offices including parking lot 18 (35 spaces) which is associated with this building. The exchange of property would require the City to explore other parking options for City employees who currently utilize lot 18.

The Department of Corrections Parole and Probation Office is currently located at 215 Southeast 2nd Avenue, adjacent and to the east of Union Street Station. They lease their current location from USTWO, LLC. The terms of the lease specifically state, upon termination of the lease, they are required to relocate to a State owned facility.

The exchange requires the remnant property and the law offices to be appraised. If the appraised value is equal, it would provide for an even exchange. If the remnant property appraises at a higher value, the City would be required to pay the difference. If the remnant property appraises at a lesser value, the City will donate the difference.

Current City real estate guidelines require declaration of properties being proposed as surplus to be routed to all departments for potential use. In the past, the law offices were offered to Solid Waste, Code Enforcement, Regional Transit System, and Community Redevelopment for their office use. All departments declined for various reasons. Although the law offices have been offered to other City departments in the recent past, no one has expressed an interest. In order to expedite this project, staff is requesting a waiver of this requirement.

*Fiscal Note:* In the event that the remnant property appraises at a higher value, funds for the City payment of the difference in appraised values will come from the debt issuance undertaken to fund the GRACE One Stop Homeless Assistance Center project.

**RECOMMENDATION**

The City Commission: 1) declare the City owned property located at 217 Northeast 1st Street, identified as Alachua County Tax Parcel 14733-000-000 as surplus; 2) waive the City real estate guideline requirement to route Alachua County Tax Parcel 14733-000-000 to all departments for potential use; 3) authorize the City Manager to negotiate the exchange of Tax Parcel 14733-000-000 for the remnant of the State owned Correctional Facility; 4) authorize City staff

*to initiate the appropriate petition to seek a special use permit to allow "Individual and Family Services" at 217 Northeast 1st Street; and 5) authorize the Mayor to execute and the Clerk to attest the deed, to effect the conveyance of this property, subject to approval by the City Attorney.*

**Legislative History**

8/16/12	City Commission	Adopted (Resolution) and Approved the Recommendation
11/1/12	City Commission	Approved as shown above (See Motion)
12/6/12	City Commission	Approved, as shown above

[120250A FDEP Notice of Surplus State Land 20120816.pdf](#)

[120250B Parcel Maps 20120816.pdf](#)

[120250C Resolution 20120816.pdf](#)

[120250\\_resolution 20120816.pdf](#)

[120250A Notice of Intent to Sell Surplus State Land 20121101.pdf](#)

[120250B Letter to DEP 20121101.pdf](#)

[120250C Letter from DEP 20121101.pdf](#)

[120250D Draft Map A 20121101.pdf](#)

[120250E Offer for Settlement 20121101.pdf](#)

[120250F Continuance & Settlement Agreement 20121101.pdf](#)

[120250G Aerial Map 20121101.pdf](#)

[120250 GCI concept v5 20121101.pdf](#)

[120250 GCI-existingpics 20121101.pdf](#)

[120250 Maps 20121206.pdf](#)

[120250A DOC Letter of Intent 20130221.pdf](#)

[120250B DOC Map 20130221.pdf](#)

[120250C Parcel 14733 Map 20130221.pdf](#)

**120750.**

**Main Street Streetscaping Project Update (B)**

**This item is a request to update the City Commission on the progress of the Main Street Streetscaping project and request input on some design elements.**

*Explanation: On April 21, 2011 the City Commission approved the reallocation of \$1,616,984.73 in gas tax funds to the Main Street Streetscaping and Lighting project. These funds were savings from previous projects already constructed.*

*The first phase of the project will address the inadequate lighting in the corridor. The second phase will address landscaping and hardscaping*

elements in the corridor. An estimated \$481,000 will remain for the construction of Phase 2.

This presentation will focus on the second phase of the project and will discuss the conceptual design and associated costs.

*Fiscal Note:* Estimated funding in the amount of \$481,000 will be available from remaining gas tax funds based on the construction bid plus 15% contingency for Phase 1 of this project.

**RECOMMENDATION**

The City Commission: 1) approve the conceptual design of Phase 2; and 2) direct staff to proceed toward final plans.

[120750 Presentation 20130221 2.pdf](#)

[120861.](#)

**US Department of Energy Rooftop Solar Challenge II Grant (B)**

**This item involves a request to the City Commission to hear a presentation on the US Department of Energy (DOE) Rooftop Solar Challenge II Grant, the second phase of Broward County's Rooftop Solar Challenge I, which expands the grant initiative to additional entities.**

*Explanation:* The City of Gainesville has the opportunity to participate with Alachua County as part of Broward County's Rooftop Solar Challenge II grant application. Broward County's Rooftop Solar Challenge II "Go SOLAR Florida" is an approximately \$2 million grant application, requiring a 20% in-kind match. Alachua County has expressed interest in participating with Broward County in the Rooftop Solar Challenge II grant. Broward County's successful completion of Phase I has set the groundwork to expand application, permitting, inter-connection, and fee processes for residential and commercial installations to additional regions throughout the state. If awarded, Broward County will serve as the lead and mentor of Phase II and will provide leadership, guidance, and training to participating counties in order to develop a standardized online permitting application specific to each County and their municipalities.

Miami-Dade, Monroe, Orange, and Sarasota Counties have also indicated their interest in participating. This grant will encourage jurisdictions to remove unnecessary solar regulatory barriers through a streamlined process, creating innovative financing options for consumers, and expanding uniform net metering and interconnection standards where possible. The grant will be for 2.5 years, and the in-kind match will be met through staff time. Alachua County would serve as the lead agency for Alachua County and coordinate all grant related issues with Broward County and the municipalities in Alachua County as necessary. Preliminary budget estimates for Alachua County are \$310,000. The County Commission approved a Letter of Commitment at their February 19, 2013 Special Meeting and authorized County staff to seek partnerships with other Alachua County



municipalities. The grant application is due by March 8th.

#### *Broward County Grant Abstract*

*Broward County's Rooftop Solar Challenge II - Go SOLAR Florida Topic Area: Regional standardization (Topic Area B) Prior successes and innovations: As one of 22 regional teams that received funding from the Department of Energy (DOE) under Phase I of the Rooftop Solar Challenge, Broward County has implemented significant improvements that make it easier for residents and businesses of fourteen participating municipalities to use solar energy. Over the past year, the Go SOLAR-Broward project team has: (1) developed and implemented a streamlined, online permitting system for home and business owners and/or their contractors; (2) eliminated all plan review by implementing preapproved design plans within the online system; (3) adopted one, low permit fee, regardless of the size of the system; (4) trained building officials, inspectors and solar and electrical contractors on the use of the online permitting system; (5) developed and adopted a single model zoning ordinance to eliminate unnecessary reviews of solar installations; (6) compiled best practices for financing options and interconnection/net metering standards; and (7) implemented a community-wide education and outreach campaign to raise awareness of the benefits of renewable energy, educate residents about their solar rights under Florida law, and promote the installation of rooftop photovoltaic (PV) systems.*

*Proposed project: During Phase II, Broward County will build upon the lessons, tools, and experience developed in its inaugural effort to expand the developed approach on a regional basis, beginning with nine (9) additional municipalities within our jurisdiction, and expanding to five (5) large and medium-sized counties from across the State. The combined population impacted by this collaborative well exceeds the 1,000,000 required by DOE. The Go SOLAR-Florida project will seek to reduce fragmentation in the solar market by transferring proven soft cost reduction strategies across participating jurisdictions, working to ensure consistent implementation of those processes, and dramatically increasing the educational outreach to promote rooftop solar installations using the improved processes. Program components include, but are not limited to: (1) Standardize online permitting within each participating jurisdiction, with modifications as appropriate; (2) Encourage participating jurisdictions to remove unnecessary PV regulatory barriers; (3) Work collaboratively to review and implement innovative and effective financing options throughout the state; and (4) Expand uniform net metering and interconnection standards to municipal utilities and cooperatives, wherever feasible.*

*Gainesville is already a leader in solar energy through GRU's solar feed-in tariff and both the City and County have taken steps to address land use, zoning and permitting issues affecting new solar installations. The City of Gainesville currently allows solar rooftop installation to bypass the development review process and proceed directly through the Building Division to obtain necessary permits. There is more that*

could be accomplished through a coordinated effort such as is proposed through the Rooftop Solar Challenge II Grant to standardize, align and streamline solar permitting by Gainesville, Alachua County and the other municipalities in the County. It is staff's expectation that the Rooftop Solar Challenge II process would also allow for the development of sound policies addressing the balance between tree preservation and the implementation of renewable energy projects through solar power generation.

#### Relevant County Issues

County staff has identified some relevant issues. This grant is for rooftop mounted solar power systems, not greenfield. Alachua County is developing an online permitting system that could accommodate a solar module. Alachua County currently handles the permitting for Archer, Hawthorne, Micanopy and LaCrosse. Permitting for solar varies between cities and the unincorporated Alachua County due to the seven other utility providers that serve the County. Soft costs of solar installation, including permitting, interconnection fees, and miscellaneous fees, can total to \$2,500 per installation. Streamlined and standardized permitting processes can help reduce design cost and sign-off time for solar projects.

*Fiscal Note:* The costs to the City for participation in the Broward County Rooftop Solar Challenge II grant are expected to be primarily the costs of staff time to work on the project although there could be other costs as well. If the grant is awarded, the City would need to negotiate with Alachua County for a fair sharing of grant funding to cover the City's costs.

#### RECOMMENDATION

Authorize the Mayor to sign a Letter of Commitment for the City of Gainesville's participation with Alachua County as a sub-recipient through Broward County's Rooftop Solar Challenge II Grant application.

[120861\\_MOD Draft Letter\\_20130221.pdf](#)

#### 120803.

#### **Approval of Reprogramming Community Development Block Grant Funds (B)**

**This item requests for the City Commission to approve the reprogramming of Community Development Block Grant (CDBG) funds from the GRACE One Stop Homeless Assistance Center to the City's Homeowner Rehabilitation Program to enable timely use of the CDBG funds.**

*Modification - Moved to Regular Agenda*

*Explanation:* This item supports City Commission Strategic Initiative 6.2: Ensure the quality and broad distribution of affordable housing throughout the City. Over the past several years, the City Commission has approved CDBG

*funding in the amount of \$660,308 for the GRACE One Stop Homeless Assistance Center (GRACE). Attached for reference is a report outlining the CDBG funding currently approved for the GRACE project (Attachment A). Due to ongoing obstacles such as pending lawsuits, possible relocation of the project to the proposed GCI site and other unforeseen circumstances, the GRACE project has experienced extended delays resulting in the CDBG funding allocated not being expended in a timely manner.*

*Each year the City Commission approves an allocation of federal funds from the U.S. Department of Housing and Urban Development (HUD) through a One Year Action plan. HUD requires for the City to expend a specified amount of CDBG funds each program year. As such, on an annual basis HUD conducts a timeliness test to confirm that the City is expending CDBG funds in accordance with federal regulations. The City is considered to be timely, if 60 days prior to the end of its fiscal year (July 31), the balance of the CDBG funds does not exceed 1.5 times the annual CDBG grant. Over the past years, the City has generally met the required expenditure threshold. However, in FY12, the City's ratio exceeded the 1.5 expenditure standard due to the large amount of CDBG funds being held for the GRACE project.*

*As a result, staff is currently working on a plan with HUD to ensure that the City's CDBG expenditure threshold is met for FY13. The work out plan with HUD includes addressing how the City will ensure that projects and activities will result in timely expenditure of CDBG funds such as reprogramming funds, projecting activity timelines and submitting quarterly projection for disbursements. If the City does not meet CDBG expenditure threshold this fiscal year, HUD will reduce the City's FY14 CDBG grant equal to the amount of unspent CDBG funds that exceed the timeliness ratio of the City's FY13 CDBG grant. Therefore, reprogramming funds for short-term projects is needed to ensure timely expenditure of the City's FY13 CDBG funding as required by HUD.*

*Staff recommends reprogramming the reserved \$660,308 CDBG funds from the GRACE project to the City's Homeowner Rehabilitation Program budget to continue addressing the repair of roof systems, and/or serious health and safety violations on housing units in efforts to preserve the City's housing stock and revitalize neighborhoods. The City currently has over 50 low-income homeowners on the Homeowner Rehabilitation Program waiting list requesting to receive assistance with home repairs. In an effort to reduce the waiting list, staff is proposing a plan to provide approximately 21 homeowners with repair assistance through the Homeowner Rehabilitation Program to expend the \$660,308 CDBG funds by the July 31, 2013 expenditure deadline as required by HUD. Typically, homeowner rehabilitation projects do not require laborious federal regulations and can be completed within a short-term timeframe. The HCD Division has the staffing capability and program mechanisms in place to manage the workload required to complete this project plan by the July 31, 2013 expenditure deadline. The expenditure plan and map showing the project locations are attached for reference*

(Attachment B).

The recommended proposal also supports the City's affordable housing and neighborhood goals established in the 2008-2013 City's CDBG/HOME Consolidated Plan. In order to allocate funds to specific programs or projects HUD regulations require citizen participation process including advertising and conduction a public hearing followed by City Commission approval. The Homeowner Rehabilitation Program is a program approved as part of the City's 2012-2013 One Year Action Plan. Given the timeframe, the recommended proposal is the most feasible alternative to expend these CDBG funds by the stated deadline.

As it relates to the funding for the GRACE Project, as noted above the potential change in sites to the GCI site may have a positive impact on the estimated cost of the project. At this point that is yet to be determined, and the ability to avoid a reduction in the annual CDBG allocation is a known quantity. If indeed it transpires that the \$660,308 is ultimately needed for the GRACE Project, options such as the use of fund balance, unallocated capital improvement monies, or debt can be explored.

*Fiscal Note:* The reprogramming of the \$660,308 CDBG funds from the GRACE Project to the City's Homeowner Rehabilitation Program will facilitate the City's ability to meet the required expenditure threshold by July 31, 2013 as required by HUD.

**RECOMMENDATION**

The City Commission approve the reprogramming of the \$660,308 CDBG funds from the GRACE Project to the City's Homeowner Rehabilitation Program.

[120803A\\_CDBG Homeless Initiative Program Budget\\_20130221.pdf](#)

[120803B\\_Expenditure Plan\\_20130221.pdf](#)

## GENERAL MANAGER FOR UTILITIES

[120827.](#)

### GRU 2012 Community Relations Update (B)

**A presentation will be made regarding the community relations programs and activities currently managed by Gainesville Regional Utilities.**

*Modification - Added Agenda Item*

*Explanation:* GRU is a publicly owned utility that believes in serving the community. The Community and Government Relations Office is responsible for designing, implementing, and evaluating vehicles for two-way communication between the utility and the communities we serve. The office is further responsible for identifying opportunities to invest GRU's resources in ways that enhance our community's quality of life.

RECOMMENDATION

*The City Commission hear a presentation from  
Community and Government Relations Director  
Nona C. Jones.*

[120827\\_ppt\\_20130221.pdf](#)

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**

**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**

[120824.](#)

**World Spay Day - February 26, 2013 (B)**

RECOMMENDATION

*No More Homeless Pets, Inc. Executive Director  
Sandi Richmond to accept the proclamation.*

[120824 WorldSpayDay 20120221.pdf](#)

[120825.](#)**Jim and Anne Voyles Day - February 21, 2013 (B)****RECOMMENDATION**

*Bread of the Mighty Food Bank Jim Voyles and Ann Voyles to accept the proclamation.*

[120825\\_JimAnnVoyles\\_20130221.pdf](#)

[120826.](#)**Visionaires Day - February 24, 2013 (B)****RECOMMENDATION**

*Gussie Campbell to accept the proclamation.*

[120826\\_VisionairesDay\\_20130221.pdf](#)

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

**PUBLIC HEARINGS**

**RESOLUTIONS- ROLL CALL REQUIRED**

[120791.](#)**SISTER CITIES PROGRAM CITY OF RZESZOW, POLAND (B)**

Resolution No. 120791

A Resolution of the City Commission of the City of Gainesville, Florida recognizing the City of Rzeszow, Podkarpackie Province, Poland, as a Sister City of the City of Gainesville, Florida, U.S.A. authorizing execution of a Sister City agreement; and providing an immediate effective date.

*Explanation: The people of the City of Gainesville, Florida, desire to begin a long-standing friendship and association with the citizens of the City of Rzeszow, Podkarpackie Province, Poland. A group has formed an organization, under the auspices of the Sister City Program of Gainesville, Inc., a not-for-profit Florida corporation (hereinafter the □Gainesville Sister City Program□), called the Gainesville/Rzeszow Sister City Program. Informal discussions have already been held between the Gainesville Sister City Program and the Mayor of Rzeszow, Poland, who has affirmed their interest in a sister city relationship with Gainesville.*

*The Gainesville/Rzeszow Sister City Program has the support of the Gainesville Sister City Program and other Gainesville community leaders. This Resolution and sister city agreement will officially create and recognize the sister city relationship so that people of both cities will communicate with one another sharing knowledge and interests to aid in the development of mutual friendships, understanding and cultural*

opportunities.

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

[120791 draft resolution 20130221.pdf](#)

[120758.](#)

**FIRST AMENDMENT TO THE FY 2012-2013 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)**

*Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2012-2013 General Government budget those transactions and activities that were not anticipated during the budget process.*

*Fiscal Note: All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in appropriate fund balances.*

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

[120758 - FY13 1st Amendatory Budget Resolution AFLC 1-29-13.PDF](#)

[120758 Attachment A - FY2013 Amendatory 1st Quarter AFLC 1-29-13.pdf](#)

[120758 Budget amendment 20130221.pdf](#)

**ADOPTION READING - ROLL CALL REQUIRED**

[120525.](#)

**REZONING - APPROXIMATELY .04 ACRES OF PROPERTY GENERALLY LOCATED AT 1126 NW 7TH AVENUE (B)**

Ordinance No.120525; Petition PB-12-111 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately .04 acres of property generally located at 1126 NW 7th Avenue, as more specifically described in this ordinance, from Public services and operations district (PS) to Single-family residential district (RSF-4); 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*

*This petition/ordinance rezones approximately .04 acres of property from Public Services and Operations district (PS) to Single-family residential district (RSF-4). The property is generally located at 1126 NW 7th Avenue and is a portion of Tax Parcel No. 13861-000-000, which is currently developed with an existing single-family residence.*

*In 1979, the City of Gainesville acquired the adjacent parcel (Tax Parcel*

No. 13862-000-000), which originally included the sliver of property under consideration by this petition/ordinance. That parcel was designated with the Public Facilities land use category in 1991 and was zoned PS in 1992. The .04-acre portion was then split and sold in 2009 to the adjacent property owner (Legistar No. 090488) and is now a portion of the tax parcel that is developed with a single-family residence. Although this tax parcel otherwise is zoned RSF-4, the .04-acre portion has retained the PS zoning. Rezoning the .04-acre portion of the property to RSF-4 will create a single unified zoning district classification that is consistent with the current residential use of the property.

This petition/ordinance is related to Petition PB-12-110 LUC (Legistar No. 120524), which proposes a small-scale future land use map amendment to change the land use designation for the .04-acre portion of Tax Parcel No. 13861-000-000 from Public Facilities to Residential Low-Density. The rezoning of the property described in this petition/ordinance will be consistent with the City of Gainesville Comprehensive Plan when Ordinance No. 120524 becomes effective as provided therein.

After public notice was published in the Gainesville Sun on October 9, 2012, the City Plan Board held a public hearing on October 25, 2012, and by a vote of 6-0, recommended approval of this petition.

#### CITY ATTORNEY MEMORANDUM

Because this ordinance was initiated by the City of Gainesville and changes the zoning designation for a parcel or parcels of land involving less than 10 contiguous acres, the City Commission shall hold a public hearing and may, upon the conclusion of the hearing, immediately adopt the ordinance. This ordinance shall become effective immediately upon final adoption; however, the rezoning implemented by this ordinance shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120524 becomes effective as provided therein.

**RECOMMENDATION**            The City Commission (1) approve Petition No. PB-12-111 ZON and (2) adopt the proposed ordinance.

[120525A\\_draft ordinance\\_20130207.pdf](#)

[120525B\\_Staff report\\_20130221.pdf](#)

[120525C\\_Maps\\_20130221.pdf](#)

[120525D\\_Neighbhd workshop information\\_20130221.pdf](#)

[120525E\\_Applicant justification report\\_20130221.pdf](#)

[120525F\\_Petition application\\_20130221.pdf](#)

[120525G\\_CPB minutes\\_20130221.pdf](#)

[120525H\\_staff ppt\\_20130221.pdf](#)



[120209.](#)**COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT AND STORMWATER MANAGEMENT ELEMENT (B)**

Ordinance No. 120209; Petition No. PB-12-58 CPA

An ordinance amending the City of Gainesville Comprehensive Plan; by amending Policy 3.1.5 in the Future Land Use Element; by amending Policies 1.1.1, 1.3.1, 1.3.5, 1.3.8, 1.3.10, 1.5.2, and by deleting Objective 1.11 and its Policies in the Stormwater Management Element; 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 November 15, 2012, the City Commission approved this ordinance at first hearing by a vote of 6-0. City staff then transmitted this ordinance to the state reviewing agencies, in accordance with the expedited state review process for comprehensive plan amendments. During the 30-day comment period, the City received 3 letters of "no comment" and 2 "comment" letters from the reviewing agencies. The "comment" letters from Florida Department of Economic Opportunity and Florida Department of Education include comments that are not related to this ordinance. Therefore, this ordinance remains the same as when approved on November 15, 2012.*

*This ordinance amends the Comprehensive Plan Future Land Use and Stormwater Management Elements to update and clarify certain policies based on recent information provided by the Public Works Department. Proposed amendments include:*

- 1. Updating the appropriate state law references regarding stormwater management facility design and performance standards and water quality regulations.*
- 2. Clarifying that floodplains and flood channels shall be delineated not by the now obsolete Master Flood Control Planning Maps, but by the most recent Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency (FEMA) or a localized study that uses FEMA-approved analyses and that is reviewed and approved by the Public Works Department.*
- 3. Adding a reference to the National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit issued by the Florida Department of Environmental Protection regarding the Cabot-Koppers Superfund site;*
- 4. Expanding opportunities for the use of off-site stormwater facilities citywide to meet both stormwater quality and quantity requirements. Currently, Policy 1.5.2 only allows the use of off-site stormwater*

*management facilities to meet stormwater quality treatment standards for redevelopment projects within Enterprise Zone Area 3. With this amendment, the City may allow use of off-site stormwater facilities for qualified developments, citywide, to satisfy the applicable stormwater quality and/or quantity standards required by the Public Works Design Manual. In addition, and in accordance with state law as adopted this year, the use of off-site stormwater management facilities will no longer be conditioned on receiving a permit from the applicable Water Management District.*

*Public notice was published in the Gainesville Sun on June 12, 2012. On June 28, 2012 the City Plan Board held a public hearing and, by a vote of 5-0, recommended the City Commission approve the petition.*

#### **CITY ATTORNEY MEMORANDUM**

*Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.*

*Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing.*

*If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the 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 with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.*

#### **RECOMMENDATION**

*The City Commission (1) receive letters of "no comment" from North Central Florida Regional Planning Council, St. Johns River Water Management District and Florida Department of Environmental Protection; (2) receive "comment" letters from Florida Department of Economic Opportunity and Florida Department of Education; and, (3) adopt the proposed ordinance.*

#### **Legislative History**

11/15/12 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing

11/15/12 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing

[120209A draft ordinance 20121115.pdf](#)

[120209B staff report 20121115.pdf](#)

[120209C Application 20121115.pdf](#)

[120209D CPA minutes 20121115.pdf](#)

[120209E staff ppt 20121115.pdf](#)

[120209A Letters from State Reviewing Agencies 20130221.pdf](#)

[120234.](#)

### **COMPREHENSIVE PLAN AMENDMENT - INTERGOVERNMENTAL COORDINATION ELEMENT (B)**

Ordinance No. 120234; Petition No. PB-12-72 CPA

An ordinance amending the Intergovernmental Coordination Element of the City of Gainesville Comprehensive Plan by deleting Policy 1.6.3; 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 November 15, 2012, the City Commission approved this ordinance on first hearing by a vote of 6-0. City staff then transmitted this ordinance to the state reviewing agencies, in accordance with the expedited state review process for comprehensive plan amendments. During the 30-day comment period, the City received 3 letters of "no comment" and 2 "comment" letters from the reviewing agencies. The "comment" letters from Florida Department of Economic Opportunity and Florida Department of Education include comments that are not related to this ordinance. Therefore, the ordinance remains the same as when approved on November 15, 2012.*

*This ordinance amends the City of Gainesville Comprehensive Plan Intergovernmental Coordination Element (ICE) by deleting Policy 1.6.3. ICE Policy 1.6.3 encourages the City to pursue agreements with the School Board of Alachua County (SBAC) for the joint use of recreation facilities and to explore strategies for managing liability issues associated with their use by the public. However, Staff identified Policy 1.6.3 as being duplicative of Recreation Element Policies 1.3.2 and 1.3.3.*

*Recreation Policy 1.3.2 explicitly requires that the City enter into an individual, facility-specific agreement with SBAC prior to the use of each facility for public recreational purposes. This policy reflects the City's*

current practice and is more up to date than ICE Policy 1.6.3. In addition, Recreation Policy 1.3.3 contains an expanded list of potential partnering agencies for the joint use of recreation facilities that includes SBAC, Alachua County, the State, and other public agencies. Staff recommends deleting Intergovernmental Coordination Element Policy 1.6.3, as it is duplicative of Recreation Element Policies 1.3.2 and 1.3.3.

Public notice was published in the Gainesville Sun on July 10, 2012. On July 26, 2012 the City Plan Board held a public hearing and, by a vote of 6-0, recommended the City Commission approve the petition.

#### CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.

Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing.

If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the 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 with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

#### RECOMMENDATION

The City Commission (1) receive letters of "no comment" from North Central Florida Regional Planning Council, St. Johns River Water Management District and Florida Department of Environmental Protection; (2) receive "comment" letters from Florida Department of Economic Opportunity and Florida Department of Education; and, (3) adopt the proposed ordinance.

#### Legislative History

11/15/12	City Commission	Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing
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[120234A draft ordinance 20121115.pdf](#)  
[120234B Staff report 20121115.pdf](#)  
[120234C Comp Plan GOPs 20121115.pdf](#)  
[120234D Application 20121115.pdf](#)  
[120234E CPB minutes 20121115.pdf](#)  
[120234F staff ppt 20121115.pdf](#)  
[120234A Letters from State Reviewing Agencies 20130221.pdf](#)

[120221.](#)

**LAND USE CHANGE - 3500-3700 BLOCKS OF SOUTHWEST  
WILLISTON ROAD (B)**

Ordinance No. 120221; Petition No. PB-11-49 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 24 acres of property located in the vicinity of the 3500-3700 blocks of SW Williston Road, as more specifically described in this ordinance, from the Alachua County land use category of Heavy Industrial (INDH) to the City of Gainesville land use category of Office (O); 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 November 15, 2012, the City Commission approved this ordinance at first hearing by a vote of 7-0. City staff then transmitted this ordinance to the state reviewing agencies, in accordance with the expedited state review process for comprehensive plan amendments. During the 30-day comment period, the City received 3 letters of "no comment" and 2 "comment" letters from the reviewing agencies. The 2 comment letters received were from the Florida Department of Economic Opportunity and the Florida Department of Education. City staff has considered the comments received and has responded accordingly.*

*The letter received from the Florida Department of Economic Opportunity advised that the City's Office land use category may not be consistent with the Florida Statutes' requirement for an intensity standard to control development. However, after further communication with City staff, the Florida Department of Economic Opportunity concluded that the provisions currently in place to control development intensity in the City's Office land use category not only meet the requirements of Florida Statutes, but provide greater flexibility than typical intensity controls.*

*The letter received from the Florida Department of Education*

*recommended that the City conduct a joint analysis with the Alachua County School District of the adequacy of public school capacity to support the proposed land use change. In response, City staff coordinated with the Alachua County School District and both parties agreed that there are no anticipated impacts to public schools resulting from land use changes to non-residential categories. As a result, this ordinance remains the same as when approved on November 15, 2012.*

*This ordinance amends the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of certain property, as more specifically described in the ordinance, from Alachua County Heavy Industrial (INDH) to City of Gainesville Office (O). The approximately 24 acre property is located in the vicinity of the 3500 - 3700 blocks of SW Williston Road, on the north side of the road, west of SW 41st Blvd.*

*This ordinance is related to Petition PB-11-50 ZON, which will change the Alachua County zoning on the property to the appropriate City of Gainesville zoning category. The zoning petition and ordinance will be scheduled for petition hearing and first reading when this land use ordinance is heard on second reading. The land use change and related zoning change are needed to apply City land use and zoning designations on property annexed in 2008. The proposed land use category was selected to allow office development and residential use, reflecting existing conditions and compatibility with adjacent land uses. Although the City normally considers the current Alachua County land use designation and proposes a similar City designation, in this case it was determined that an office designation would be more compatible and appropriate for the area due to adjacent land use.*

*After public notice was published in the Gainesville Sun on August 9, 2011, the City Plan Board held a public hearing on August 25, 2011, and by a vote of 4-0, recommended approval of this petition.*

#### **CITY ATTORNEY MEMORANDUM**

*Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.*

*Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing.*

*If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any*

party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the 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 with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

**RECOMMENDATION**

The City Commission (1) receive letters of "no comment" from North Central Florida Regional Planning Council, St. Johns River Water Management District and Florida Department of Environmental Protection; (2) receive "comment" letters from Florida Department of Economic Opportunity and Florida Department of Education; and, (3) adopt the proposed ordinance.

**Legislative History**

11/15/12 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing

[120221A draft ordinance 20121115.pdf](#)

[120221B staff report 20121115.pdf](#)

[120221C Comp Plan GOPs 20121115.pdf](#)

[120221D Land Develop Code 20121115.pdf](#)

[120221E Supplemental Docs 20121115.pdf](#)

[120221F Application 20121115.pdf](#)

[120221G CPB minutes 20121115.pdf](#)

[120221H staff ppt 20121115.pdf](#)

[120221A Letters from State Reviewing Agencies 20130221.pdf](#)

[120222.](#)

**LAND USE CHANGE - 4600-5000 BLOCKS OF SOUTHWEST 41st BOULEVARD (B)**

Ordinance No. 120222; Petition No. PB-11-51 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 285 acres of property located in the vicinity of the 4600-5000 blocks of SW 41st Boulevard, as more specifically described in this ordinance, from the Alachua County land use categories of Heavy Industrial (INDH), Light Industrial (INDL), and Low Density Residential (1-4 DU/acre)(LOW) to the City of Gainesville land use category of Business Industrial (BI); 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 November 15, 2012, the City Commission approved this ordinance at first hearing by a vote of 6-0. City staff then transmitted this ordinance to the state reviewing agencies, in accordance with the expedited state review process for comprehensive plan amendments. During the 30-day comment period, the City received 3 letters of "no comment" and 2 "comment" letters from the reviewing agencies. The "comment" letters from Florida Department of Economic Opportunity and Florida Department of Education include comments that are not related to this ordinance. Therefore, this ordinance remains the same as when approved on November 15, 2012.*

*This ordinance amends the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of certain property, as more specifically described in the ordinance, from Alachua County Heavy Industrial, Light Industrial, and Low Density Residential (1-4 DU/acre) to the City of Gainesville Business Industrial (BI) designation. The approximately 285 acre vacant property is located in the vicinity of 4600 - 5000 blocks of SW 41st Blvd, on the west side of the road. This ordinance is related to Ordinance No. 120223, which changes the Alachua County zoning on the property to the appropriate City of Gainesville zoning category, and which is scheduled for petition hearing and first reading on February 21, 2013.*

*The land use change and related zoning change are needed to apply City of Gainesville land use and zoning designations on property annexed in 2008. The proposed BI land use category was selected to provide an opportunity for development of certain office, business and industrial uses in a combined setting and is compatible with the BI land use on adjacent land across Interstate 75 to the east. The BI land use supports businesses involved in light manufacturing, processing or fabrication of products and machinery, research and development operations, business retail, medical uses and wholesale or storage distribution concerns. In addition, the BI land use offers the opportunity for development in a business park setting, which can be designed around the sensitive environmental areas on the site (this includes Strategic Ecosystem area as delineated in the Future Land Use map series).*

*After public notice was published in the Gainesville Sun on August 9, 2011, the City Plan Board held a public hearing on August 25, 2011, and by a vote of 4-0, recommended approval of this petition.*

**CITY ATTORNEY MEMORANDUM**

*Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal*



*stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.*

*Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing.*

*If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the 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 with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.*

**RECOMMENDATION**

*The City Commission (1) receive letters of "no comment" from North Central Florida Regional Planning Council, St. Johns River Water Management District and Florida Department of Environmental Protection; (2) receive "comment" letters from Florida Department of Economic Opportunity and Florida Department of Education; and, (3) adopt the proposed ordinance.*

**Legislative History**

11/15/12      City Commission      Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing

[120222A\\_draft ordinance\\_20121115.pdf](#)

[120222B\\_staff report\\_20121115.pdf](#)

[120222C\\_Comprehensive Plan GOPx\\_20121115.pdf](#)

[120222D\\_Land Development Code\\_20121115.pdf](#)

[120222E\\_Supplement Docs\\_20121115.pdf](#)

[120222F\\_Application\\_20121115.pdf](#)

[120222G\\_CPB minutes\\_20121115.pdf](#)

[120222H\\_staff ppt\\_20121115.pdf](#)

[120222A\\_Letters from State Reviewing Agencies\\_20130221.pdf](#)

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

[120220.](#)

**REZONING - VICINITY OF 3500-3700 BLOCKS OF SW  
WILLISTON ROAD (B)**

Ordinance No. 120220; Petition No. PB-11-50 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 24 acres of property located in the vicinity of the 3500-3700 blocks of SW Williston Road, north side, west of SW 41st Boulevard, as more specifically described in this ordinance, from the Alachua County Highway oriented business services (BH) zoning district to the City of Gainesville General office (OF) zoning district; 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**

*This petition/ordinance rezones certain property, as more specifically described in the ordinance, from the Alachua County Highway oriented business services (BH) zoning district to the City of Gainesville General office (OF) zoning district. The approximately 24 acre property is located in the vicinity of the 3500-3700 blocks of SW Williston Road, on the north side of the road, west of SW 41st Blvd. This petition/ordinance is related to Ordinance No. 120221, a large-scale land use amendment to change the future land use map from Alachua County Heavy Industrial to City of Gainesville Office land use. The zoning and related land use changes apply City of Gainesville land use and zoning designations on property that was annexed in 2008. The OF zoning district was selected to provide for the opportunity of office development with residential use, reflecting existing conditions and compatibility with adjacent properties. Typically for annexed properties, the City considers the current Alachua County zoning category and proposes a similar City designation. However, in this situation it was determined that an office zoning and land use designation would be more compatible and appropriate for the area due to the residential use south of the property. In addition, the OF zoning district is compatible with the sensitive environmental features on the property.*

*After public notice was published in the Gainesville Sun on August 9, 2011, the City Plan Board held a public hearing on August 25, 2011, and by a vote of 4-0, recommended approval of this petition.*

**CITY ATTORNEY MEMORANDUM**

*This ordinance requires two hearings. This ordinance shall become effective immediately upon final adoption; however, the rezoning implemented by this ordinance shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by*

Ordinance No. 120221 becomes effective as provided therein.

**RECOMMENDATION**            *The City Commission (1) approve Petition PB-11-50 ZON and (2) adopt the proposed ordinance.*

[120220A draft ordinance 20130221.pdf](#)

[120220B staff report 20130221.pdf](#)

[120220C Comp Plan GOPs 20130221.pdf](#)

[120220D LDC Exh B-1 20130221.pdf](#)

[120220E Supplement Docs 20130221.pdf](#)

[120220F Petition application 20130221.pdf](#)

[120220G CPB minutes 20130221.pdf](#)

[120220H staff ppt 20130221.pdf](#)

### 120223.

#### **REZONING - VICINITY OF 4600-5000 BLOCKS OF SW 41ST BLVD. (B)**

Ordinance No. 120223; Petition PB-11-52 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 285 acres of property located in the vicinity of the 4600-5000 blocks of SW 41st Boulevard, west side, as more specifically described in this ordinance, from the Alachua County zoning districts of Industrial services and manufacturing (MS), Multiple family, high density (R-3), Single family, low density (RE-1), and Agricultural (A) to the City of Gainesville Business industrial (BI) zoning district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Modification - Added Quasi-Judicial Form*

*Explanation: This petition/ordinance changes the zoning of certain property, as more specifically described in the ordinance, from the Alachua County zoning districts of Industrial services and manufacturing (MS), Multiple family, high density (R-3), Single family, low density (RE-1) and Agricultural (A) to the City of Gainesville Business Industrial (BI) zoning district. The approximately 285 acre vacant property is located in the vicinity of 4600 - 5000 blocks of SW 41st Blvd, on the west side of the road. This petition/ordinance is related to Ordinance No. 120222, which amends the property's land use from Alachua County Heavy Industrial, Light Industrial, and Low Density Residential (1-4 DU/acre) to the City of Gainesville Business Industrial (BI) designation.*

*This petition/ordinance applies a City of Gainesville zoning designation on property annexed in 2008. The BI zoning district was selected to provide an opportunity for development of certain office, business and industrial uses in a combined setting. Business park development is*

facilitated with this zoning district, reflecting the large amount of acreage available to provide sufficient space for a variety of uses that support and complement each other and reduce external trips for goods and services. Typically for annexed properties, the City considers the current Alachua County zoning category designation and proposes a similar City designation. In this case, the BI zoning district is considered more appropriate given the proposed BI land use category for the property and the broader uses allowed in the zoning district. The BI zoning district supports businesses involved in light manufacturing, processing or fabrication of products and machinery, research and development operations, business retail, medical uses and wholesale or storage distribution concerns. In addition, the BI zoning district offers the opportunity for development in a business park setting that can be designed around the sensitive environmental areas on the site (this includes strategic ecosystem area as delineated in the Future Land Use map series).

After public notice was published in the Gainesville Sun on August 9, 2011, the City Plan Board held a public hearing on August 25, 2011, and by a vote of 4-0, recommended approval of this petition.

#### CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. This ordinance shall become effective immediately upon final adoption; however, the rezoning implemented by this ordinance shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120222 becomes effective as provided therein.

**RECOMMENDATION**            The City Commission (1) approve Petition PB-11-52 ZON and (2) adopt the proposed ordinance.

[120223A\\_draft ordinance\\_20130221.pdf](#)

[120223B\\_staff report\\_20130221.pdf](#)

[120223C\\_Comp Plan GOPs\\_20130221.pdf](#)

[120223D\\_LDC\\_Exh B-1\\_20130221.pdf](#)

[120223E\\_Supplement Docs\\_20130221.pdf](#)

[120223F\\_Petition application\\_20130221.pdf](#)

[120223G\\_CPB minutes\\_20130221.pdf](#)

[120223H\\_staff ppt\\_20130221.pdf](#)

[120223\\_Quasi-judicialform\\_20130221.pdf](#)

[120179.](#)

#### TEXT CHANGE - TEMPORARY PARKING - UMU-2 ZONING (B)

Ordinance No. 120179; Petition No. PB-12-59 TCH

An ordinance of the City of Gainesville, Florida, amending Section

30-65.2 Urban mixed-use district 2 (UMU-2) of the Land Development Code by adding surface parking to the list of permitted uses by special use permit within the University Heights Area and providing regulations for surface parking; providing clarifying amendments related to surface and structured parking; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation:* **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

*This petition/ordinance allows temporary surface parking lots by Special Use Permit for the University Heights Area (which includes the Innovation Square area) within UMU-2 zoning as a transition parking strategy. Currently, the UMU-2 zoning district allows structured parking as a principal use-by-right and surface parking as an accessory use. This petition/ordinance adds surface parking as an allowable principal use through the special use permit process for the University Heights Area within UMU-2 zoning. This special use permit for surface parking may be granted for 5 years, with a potential 5-year extension, if an applicant demonstrates, through an approved master plan, that the surface parking lot will be replaced with either a building or structured parking.*

*The overall concept of UMU-2 zoning is a compact urban environment with concentrated live, work and play activities. Shorter trip distances and transit options will decrease the need for automobile parking. Structured automobile parking facilities will ultimately replace both principal and accessory surface parking lots. However, given that new building and urban form will emerge incrementally, surface parking lots are needed temporarily until development is completed.*

*Public notice was published in the Gainesville Sun on June 12, 2012. On June 28, 2012, the City Plan Board held a public hearing and, by a vote of 4-1, recommended approval of the petition.*

**CITY ATTORNEY MEMORANDUM**

*This ordinance requires two hearings.*

**RECOMMENDATION**

*The City Commission (1) approve petition PB-12-59 TCH and (2) adopt the proposed ordinance.*

[120179A draft ordinance 20130221.pdf](#)

[120179B staff report 20130221.pdf](#)

[120179C Innovation Map 20130221.pdf](#)

[120179D Innovation Square Parking Strategy 20130221.pdf](#)

[120179E Proposed Parking Changes 20130221.pdf](#)

[120179F CPB minutes 20130221.pdf](#)

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[120617.](#)

### REZONING - VICINITY OF 1961 NORTH MAIN STREET (B)

Ordinance No. 120617; Petition No. PB-12-130 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 3.88 acres of property generally located at 1961 North Main Street, as more specifically described in this ordinance, from Automotive-oriented business district (BA) to General business district (BUS); 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*

*This petition/ordinance rezones approximately 3.88 acres of property from Automotive-oriented business district (BA) to General business district (BUS). The property, which has a land use designation of Commercial, is generally located at 1961 North Main Street and was the home of a bank with a drive through facility but is currently vacant. The petitioner requests this rezoning because potential buyers of the property propose to change the use of the building from a bank to a medical office, which is not an allowable use under the property's current BA zoning.*

*This rezoning is consistent with the Comprehensive Plan and is compatible with surrounding properties. In addition, this petition/ordinance promotes infill development by fostering a redevelopment proposal that will encourage further development along the North Main Street corridor.*

*After public notice was published in the Gainesville Sun on November 15, 2012, the City Plan Board held a public hearing on December 3, 2012, and by a vote of 6-0, recommended approval of this petition.*

**CITY ATTORNEY MEMORANDUM**

*This ordinance requires two hearings.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

2/7/13 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[120617A\\_draft ordinance\\_20130207.pdf](#)

[120617B\\_staff report\\_20130207.pdf](#)

[120617C\\_Comp Plan GOPs\\_20130207.pdf](#)

[120617D\\_Land Development Code\\_20130207.pdf](#)

[120617E\\_Supplemental Docs\\_20130207.pdf](#)

[120617F\\_Application\\_Neighborhood Wkshop info\\_20130207.pdf](#)

[120617G\\_CPB minutes\\_20130207.pdf](#)

[120617H\\_staff ppt\\_20130207.pdf](#)

[120767.](#)

**SANTA FE COLLEGE SPRING ARTS FESTIVAL - SPECIAL EVENT PERMIT FOR SALE OF BEER AND WINE (B)**

Ordinance No. 120767

An Ordinance of the City of Gainesville, Florida, amending Chapter 4 of the City of Gainesville Code of Ordinances, relating to alcoholic beverages; by creating and adding a new subsection (6) to Sec. 4-4.(b) to provide an exception for the temporary outdoor sale, dispensing and consumption of beer and wine at the Santa Fe College Spring Arts Festival; establishing a permit process and setting forth conditions and requirements for the permit; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: This ordinance originated from a broader discussion of Alcohol Sales and Consumption Outdoors Downtown (Legistar No. 110683). The item was referred to the Public Safety Committee on February 2, 2012. After discussion at its meetings on February 29, 2012; March 28, 2012, and October 25, 2012, the Committee voted 3-0 to request the City Commission move forward with this ordinance and retain the broader discussion item as an active committee referral.*

*At its meeting on November 15, 2012, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the Code to permit the sale of alcohol at the Santa Fe College Spring Arts Festival. The permit fee currently established in Appendix A of the City Code is \$364.50.*

*This ordinance requires two readings.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

2/7/13 City Commission Adopted on First Reading (Ordinance)

[120767 SantaFe Special Event Ordinance 20120207.pdf](#)

**PLAN BOARD PETITIONS**

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

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