

City of Gainesville

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



Meeting Agenda

March 15, 2012

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Commissioner Randy Wells (District 4)

Commissioner Jeanna Mastrodicasa (At Large)

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

CALL TO ORDER - 1:10 PM

AGENDA STATEMENT

Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. 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

110750.

Historic Depot Building Rehabilitation – West Construction, Inc. Contract Change Order (B)

This item involves a request for the City Commission to approve West Construction, Inc. as a Specified Source to construct the “Context Area” in order to utilize HUD EDI funds prior to expiration on July 31, 2012 and to approve a contract change order address unforeseen conditions in the Depot Building Rehabilitation project.

MODIFICATION - (New item added after Agenda Review)

Explanation: The Historic Gainesville Depot Building Rehabilitation project includes the restoration, rehabilitation, and installation of utilities to a 10,200 sq ft wood frame building listed on the National Register of Historic Places. The building is to comply with the Secretary of Interior’s Standards for the Treatment of Historic Properties and to become a model of historic preservation, adaptive reuse, and sustainability. The project is seeking LEED (Leadership in Energy and Environmental Design) Gold certification from the United States Green Building Council (USGBC). Originally constructed in 1860, with significant additions in 1910, the Gainesville Depot is an important resource that reflects the history of the railroad as it relates to Florida’s growth in general and Gainesville in particular. Once completed, the building will frame the main entrance and become an important amenity for future Depot Park and downtown Gainesville.

On June 2, 2011 the City Commission approved the award of the Depot Building Phase I construction to West Construction, Inc. The scope of West Construction's contract for Phase I included the stabilization and restoration of the building's core and shell as well as the installation of modern features and utilities to serve the building. Phase II of the Depot Building project includes the construction of the site surrounding the Depot Building (a.k.a. "Context Area") and was originally not included in West Construction's contract due to the City's pending remediation action plan and removal of arsenic contaminated soil within the landscape.

Construction of the Context Area, located at the northern portion of the Depot Park site, is a requirement by the State Department of Historic Resources (DHR) due to the building's relocation approximately 28-feet south of its previous location from the widening and re-alignment of Depot Avenue. As a condition of the relocation, the DHR required that the site planning surrounding the building reflect the original context and preserve the linear character of the trackside corridor. The design for the context area was approved by the City Commission on May 20, 2010, the DHR on June 29, 2010, and the Development Review Board on September 2, 2010.

On November 3, 2011 the City Commission approved the funding of a portion of the arsenic remediation using Stormwater Management Utility Fund monies. On December 8, 2011 the Florida Department of Environmental Protection approved the City's submitted Remediation Action Plan. Then, on December 15, 2011 the City Commission adopted the staff recommendation to fund the remaining balance of the remediation of the Depot Park site through the issuance of the City of Gainesville Revenue Note, Series 2011.

During January 2012 the City's Public Works Department (PWD) issued at Notice to Proceed to Environmental Consulting & Technology, Inc. (ECT) to begin the remediation work. The schedule for the remediation includes addressing contamination within the Context Area and is scheduled to be complete March 2012, thus allowing the Context Area to be available for construction.

West Construction Inc. has submitted a price proposal for the construction of the Context Area per the approved plans at the request of the City/CRA. A portion of the construction will be funded from a HUD EDI grant which is to expire July 31, 2012 (all grant extensions have been exhausted). Utilizing West Construction as a specified source contract for the construction of the context area will utilize the HUD EDI funds prior to expiration, complete the Depot Building Phase I project meeting all the requirements set forth by DHR, allow the completion of the LEED documentation process for Gold Certification by the USGBC, allow the City to begin solicitations for tenant occupancy, and complete Depot Park Phase I. West Construction is being recommended as a specified source contractor due to their intimate knowledge of the project and site conditions, meeting pre-qualification criteria for their experience with the LEED and historic requirements for the project, savings on mobilization costs, being integrated with the current design and LEED teams for the project, and overlap of the context area construction with the current scope of work for the Depot Building rehabilitation.

West Construction, Inc. also has submitted price proposals for unforeseen conditions encountered during the rehabilitation of the building. These unforeseen conditions include structural reinforcing needed in the ceiling beams of the roof structure, additional piping needed for the fire suppression system to meet GRU standards and occupational hazards expected for tenant uses, demolition and wood flooring repair/installation in the 1860 Passenger Depot, and the installation of a door and vestibule in the Freight Depot to meet City Building Code requirements for fire escape.

The recommended amount for the construction of the context area utilizing West Construction as a specified source contractor is \$749,980.34. The recommended amount for the West Construction contract change order to address unforeseen conditions is \$109,418.05. A contract time extension is also requested for a final completion date of September 30, 2012.

Fiscal Note: Funding for the West Construction proposals is available in the Depot Building project budget through previous allocations from HUD EDI (expires July 31, 2011) and Wild Spaces Public Places. For informational purposes, the CRA-Downtown has also allocated funds towards the Depot Building project.

RECOMMENDATION

The City Commission: 1) Approve the Second Amendment to the Agreement for Historic Gainesville Depot Rehabilitation for Change Order No. 1 for an increase of \$109,418.05 with a final completion date of September 30, 2012, 2) approve the Third Amendment to the Agreement for Historic Gainesville Depot Rehabilitation to include West Construction as the specified source contractor for Phase II context area construction for \$749,980.34, and 3) authorize the City Manager to execute the contract amendments, change order, specified source and all related documents subject to approval by the City Attorney as to form and legality.

110750_Change Order_20120315.pdf

110750A-MOD_2nd Amendment to Agreement_20120315.pdf

110751.

Fleet Garage/Materials Management Facility (MMF) and other related Projects (B)

This is a request for the City Commission to approve staff's recommended ranking of the Construction Manager at Risk firms to provide Construction Management Services at the Fleet Garage/Materials Management Facility (MMF) and other related Construction Projects (B)

Explanation: On January 19, 2012, the City's Purchasing Division received qualifications from five (5) Construction Management firms to provide Construction Management Services for the Fleet Garage/MMF and other related construction projects. Staff has evaluated the qualifications of the firms, and is recommending the following ranking. If approved by the City Commission, staff will begin negotiations with the top ranked firm as listed below; if negotiations

are not successful with the top ranked firm, staff will continue down the list to the next highest ranked firm until an agreement is negotiated. All firms are local except Wharton Smith.

- 1) Parrish -McCall Constructors
- 2) Wharton Smith
- 3) Scherer Construction & Engineer
- 4) Mills Gilbane
- 5) Charles Perry Partners, Inc. (CPPI)

Fiscal Note: Funds in the amount of \$10 million are available in the Fleet, Public Works, and Gainesville Regional Utilities budgets.

RECOMMENDATION

The City Commission: 1) approve staff's recommended ranking of the Construction Management Firms; and 2) authorize the City Manager or his designee, to negotiate and execute a contract for Construction Management Services, subject to approval by the City Attorney's office as to form and legality.

110751_Rankings of Firms_20120315.pdf

110754.

Settlement of Worker's Compensation Claim - Eddie L. Lockhart (NB)

This item involves the full and final settlement of Eddie L. Lockhart worker's compensation claim. The total settlement amount is \$35,000 and represents a significant cost advantage to the City.

Explanation: While employed by Public Works, Mr. Lockhart was involved in an accident involving his lower back and underwent surgery. As a result of his injury and subsequent permanent work restrictions imposed by his treating physicians, Mr. Lockhart is expected to potentially be accepted as permanently and totally disabled.

Recently, the City, Mr. Lockhart and his attorney Donald Van Dingenen agreed to the full and final settlement of his worker's compensation claim. The City Attorney's Office, the Risk Management Department, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$35,000, includes all attorney fees, past and future indemnity payments, and taxable costs.

Fiscal Note: The settlement of this case in the amount of \$35,000 will be paid out of the general insurance fund.

RECOMMENDATION

The City Commission authorizes Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the indemnity portion of Eddie L. Lockhart Worker's Compensation Claim in the amount of \$35,000.

110763.**Settlement of Worker's Compensation Claim - Charles Baker (NB)**

This item involves the full and final settlement of Charles Baker's worker's compensation claim. The total settlement amount is \$275,000 and represents a significant cost advantage to the City.

Explanation: While employed by GRU, Mr. Charles Baker was involved in an accident involving his lower back and underwent surgery. As a result of his injury and subsequent permanent work restrictions imposed by his treating physicians, Mr. Baker was accepted as permanently and totally disabled.

Recently, the City, Mr. Baker and his attorney Lance Avera agreed to the full and final settlement of his worker's compensation claim. The City Attorney's Office, the Risk Management Department, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$275,000, includes all attorney fees, past and future indemnity payments and taxable costs.

Fiscal Note: The settlement of this case in the amount of \$275,000 will be paid by our excess carrier Safety National.

RECOMMENDATION

The City Commission authorizes Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the indemnity portion of Mr. Baker Worker's Compensation Claim in the amount of \$275,000.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

MODIFICATION - File #110775 - (Moved to the Regular agenda).

CITY ATTORNEY, CONSENT AGENDA ITEMS**110741.****VERNELLE JONES VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2011-CA-6371 (B)**

Explanation: On February 20, 2012, the City was served with a Summons and Complaint filed by Vernelle Jones in the Circuit Court. Vernelle Jones filed suit because the City's Board of Adjustment denied her application for an exemption to build a residential home on a non-conforming lot in December 2007. She alleges inverse condemnation by uncompensated taking of property. Vernelle Jones seeks money damages.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Vernelle Jones vs. City of Gainesville; Eighth Judicial

Circuit, Case No. 2011-CA-6371.

110741_Vernelle Jones Consent_20120315.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

110756. Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint:

Ernest Brockington to the Citizen's Advisory Committee for Community Development for a term to expire 11/1/13.

Keytwanna Mitchell to the City Beautification Board for a term to expire 11/1/15.

Gerald Wathen and Keytwanna Mitchell to the Gainesville Enterprise Zone Development Agency for terms to expire 3/31/16.

Jeffrey Saunders to the Gainesville Human Rights Board for a term to expire 2/22/15.

David Miller and Jennifer Hubbs to the Public Recreation and Parks Board for terms to expire 6/1/15.

Jennifer Hubbs to the Regional Transit System Advisory Board for a term to expire 6/1/15.

James Ingle to the SHIP Affordable Housing Advisory Committee for a term to expire 7/1/14.

Jake Vermillion to the Student Community Relations Advisory Board for a term to expire 2/26/14.

110764.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of February 13, 2012, February 16, 2012, and March 1, 2012, as circulated.

110764_feb 13, 2012_minutes_20120315.pdf

110764_feb 16, 2012-minutes_20120315.pdf

110764_march 1, 2012_minutes_20120315.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC SAFETY COMMITTEE, CONSENT****110683.****Alcohol Sales and Consumption Outdoors Downtown (B)**

MODIFICATION - (Withdraw from the Agenda).

Explanation: Mayor-Commissioner Pro Tem Hawkins brought this item forward during Commission Comment at the 2/2/2012 City Commission meeting.

The Public Safety Committee met on February 29, 2012 and discussed the impact of modifying the Alcoholic Beverage Ordinance to allow the consumption of alcoholic beverages at outside events and on public property in the Downtown area, specifically on Lot Ten. There is concern that the current ordinance that was modified for United Downtown may be restricted in scope and area. Members of GDOT would like the ordinance to be modified for outside events.

At the February 29 meeting the Committee voted to recommend the City Commission move forward to revise the Alcoholic Beverage Ordinance to allow the sale and consumption of alcohol on City Lot Ten.

Fiscal Note: None.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and Clerk of the Commission to advertise amendments to the Alcoholic Beverage Ordinance to allow the sale and consumption of alcohol on City Lot Ten for special events.

Legislative History

2/2/12	City Commission	Referred (7 - 0)	Public Safety Committee
2/29/12	Public Safety Committee	Discussed	
	110683a_EugeneArticle_20120229.pdf		
	110683b_SchaerEmail_20120229.pdf		
	110683c_AlcoholOrdin_20120229.pdf		

110283.**Itinerant Food Vendor Hours of Operation (NB)**

Explanation: Commissioner Jeanna Mastrodicasa brought this item forward at the August 18, 2011 City Commission Meeting.

After receiving staff recommendations, the Public Safety Committee voted to recommend that the City Commission revise the current Itinerant Food Vendor

Ordinance to extend the hours of operation from 10:00 P.M. to 3:00 A.M.

Fiscal Note: None

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission advertise an amendment to the current Itinerant Food Vendors Ordinance to extend the hours of operation from 10:00 P.M. to 3:00 A.M.

Legislative History

8/18/11	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
9/28/11	Public Safety Committee	Discussed	
10/26/11	Public Safety Committee	Discussed	
2/29/12	Public Safety Committee	Discussed	

110283_Chapter 19_20110928.pdf
 110283_PlanningMaps_20111026.pdf
 110283b_FassEmail_20111026.pdf
 110293c_JeffBabikInfo_20111026.pdf
 110283_draft ordinance_20120405.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

110767.

Proposed Update to Land Development Code Regarding Lighting for Vehicular Parking (NB)

This item proposes modifications to Section 30-330 and Section 30-345 of the Land Development Code regarding design requirements for vehicle parking and general performance standards.

Explanation: Recently, staff has been in contact with representatives of the Northside Shopping Center and Winn Dixie located on the northwest corner of N. Main Street and Northeast 23rd Avenue regarding proposed plans to upgrade the shopping center and vehicular parking area.

Based upon an initial staff review, it appears that the proposed site improvements (resurfacing of parking areas and associated re-striping; provision of landscaping and irrigation; and lighting) can be reviewed via a minor administrative site plan submission and related construction drawings.

One improvement that staff believes will need to be addressed through a more systematic Code modification approach is that of the proposed site lighting package. This would need to be done in order to balance the current lighting needs of private industry with the potential community nuisance considerations that sometimes accompany the provision of site lighting.

The current provisions of the Land Development Code seem to address such nuisance considerations as glare, light trespass (light that crosses the property line) and light pollution/Dark Sky (light that goes up into the sky) through several mechanisms. These include: lighting pole mounting heights limited to 30 feet; pole mounted lighting being required to meet IES (Our code uses IESNA, Illuminating Engineering Society of North America but many people use just IES) standards for sharp cut-off; and, applicants must demonstrate that light levels produced by proposed site lighting do not exceed 0.5 footcandles at all property lines abutting residential properties and 1.0 footcandles at property lines abutting commercial properties.

However, there is a current requirement that the average maximum footcandles not exceed 2.5 footcandles across the site even in those instances where the nuisance considerations as related above around the perimeter of the site are being addressed. Currently, the industry is seeking a minimum of 5.0 footcandles or more within the parking field and the current Land Development Code requirement could be placing the community at a competitive disadvantage.

With respect to the specific Northside Shopping Center and Winn Dixie site, this issue may have ramifications for the proposed redevelopment.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff; 2) if deemed appropriate, direct staff to initiate a Petition to the Plan Board to modify applicable components of Sec. 30-330 and Sec. 30-345 of the Land Development Code.

GENERAL MANAGER FOR UTILITIES

110775.

Refunding of Certain Outstanding Bonds, and Restructuring of Certain Interest Rate Swaps (B)

MODIFICATION - (Removed from the Consent Agenda and placed on the Regular Agenda for discussion with revised language and ppt. submitted - Updated 3/13/2012).

Explanation: In 2003, 2005, 2006, and 2010, the City issued its Utilities System Revenue Bonds, 2003 Series A (the "2003A Bonds"), 2005 Series A and 2005 Series C (the "2005A&C Bonds"), 2006 Series A (the "2006A Bonds"), and 2010 Series C (the "2010C Bonds"), respectively, to refinance certain bonds originally issued to finance or refinance certain of the Utility's capital projects. Since interest rates are lower now than when the 2003A Bonds, 2005A&C Bonds, 2006A Bonds, and 2010C Bonds were issued, we can refinance (refund) these Bonds with new debt and save money for our customers over time.

Also, in 2005 and 2008, the City issued its Utilities System Revenue Bonds, 2005 Series B (Federally Taxable) (the "2005B Bonds") and 2008 Series A (Federally Taxable) (the "2008A Bonds"), respectively, to finance the Deerhaven Environmental Controls (retrofit) project. Because the Deerhaven plant was subject to a Lease-In, Lease-Out (LILO) transaction, the 2005B Bonds and 2008A Bonds were required to be issued as taxable bonds. As such, the 2005B Bonds and 2008A Bonds have a shorter average life than would have been the case if those bonds had been issued as tax-exempt bonds, with larger principal and interest payments coming due through 2021. Subsequent to the issuance of the 2005B Bonds and 2008A Bonds, the LILO transaction was terminated. In 2010, the City refunded a portion of these bonds with tax-exempt bonds having a longer average life, similar to the life of the assets that were financed. Our recommendation is to again issue tax-exempt bonds to replace a portion of this higher cost taxable debt. The impact of replacing the shorter taxable debt amortization will be to reduce debt service in the fiscal years 2012 to 2020. Deferring the principal amortization on the refunding bonds to match the longer useful life of the Utility's assets will result in an increase in overall total debt service, but an expected decrease in the present value of this debt service. The Utility will continue to target an overall level to declining debt service repayment schedule.

For the financings described above, the optimal structure will depend on market conditions existing at the time of execution. The structure will be designed to achieve expected net present value savings. The expected net present value savings calculation of the variable-rate portion of the refunding will be based on prevailing market conditions at the time of the sale of the refunding bonds, using a reasonable assumption of future variable rates. It is important to note that the expected net present value of the savings will be a function of both: (1) future interest rate assumptions for the variable rate bonds, and (2) the discount rate used to calculate the present value of future expected savings. PFM has recommended that the Utility use a future interest rate assumption for variable rate debt of 3.25%. This rate is 0.50% higher than the average variable rate for comparable variable rate debt programs over the past ten years, which has been roughly 2.75%, inclusive of all financing costs. PFM also has recommended an NPV discount rate of 4.00% be used to calculate the present value of expected savings. PFM believes that the Utility should use a discount rate that is roughly equal to the expected borrowing costs on the Utility's long term bond issues. The 4.00% rate is lower, and thus more conservative, than both the current and historical long term borrowing cost for the Utility. PFM believes that the 3.25% variable rate assumption and the 4.00% discount rate assumption are reasonable. However, PFM feels it is important to point out

that the actual savings on the overall refunding will be a function of future interest rates. PFM cannot predict future interest rates, but does believe that the refunding transaction is an effective means by which the Utility can achieve its financial objectives. We recommend that our staff and Financial Advisor continue to monitor the market to select the best structure.

GRU staff and our Financial Advisor recommend that the transaction referred to above be accomplished through a negotiated sale of bonds following a competitive process to identify the firm(s) that bring the most value from a qualitative and quantitative perspective. While PFM recommends a negotiated sale process, the Utility will use a competitive selection process to determine which underwriting firm, or firms, are best suited to help the Utility carry out the financing in a manner that provides the best overall expected results.

Since all of the terms of the proposed financing have not yet been determined, the approval of the final terms of the bonds to be issued and the sale thereof is not being sought at this time; rather, Utility staff will seek City Commission approval of those bonds in or about June 2012 (which approval may be in the form of a delegation to the General Manager of the authority to determine, within pre-approved limits, the actual principal amounts and other terms and provisions of the bonds, similar to what the City Commission has approved for several previous Utility financings).

In 2006, GRU restructured certain interest rate swaps previously entered into with JPMorgan Chase Bank, N.A. and Goldman Sachs Mitsui Marine Derivative Products, L.P. ("GSMMDP") in order to synthetically fix the interest rates on the City's Variable Rate Utilities System Revenue Bonds, 2005 Series C and 2006 Series A. Under the original swaps, GRU received payments of 68% of the 1-month LIBOR rate. As restructured, the swaps were converted to "Constant Maturity Swaps" ("CMS"), pursuant to which GRU receives payments at a percentage of the 10-year LIBOR swap rate minus, in the case of the GSMMDP swap, a spread.

GRU originally restructured the swaps while the yield curve was flat, in anticipation that GRU would benefit once the yield curve returned to its historical steepness. Since 2006, the yield curve has steepened and the CMS swaps currently are more valuable than the original swaps would have been had they not been restructured. As a result, GRU can now convert the CMS swaps back to a percentage of 1-month LIBOR receipt swaps and capture this positive value in one of three ways: by decreasing the fixed payer swap rate paid by GRU, by receiving an upfront payment, or by receiving the value over a specific time period through a combination of a decreased fixed payer swap rate and an upfront payment; and the value can be realized either through an amendment of the existing CMS swaps or by entering into additional offsetting swaps.

We recommend that staff and our Financial Advisor continue to monitor and evaluate the available options to restructure the CMS swaps in order to determine the best alternative. If it is determined that the best alternative is to amend the existing CMS swaps, we recommend that the General Manager be authorized to negotiate and enter into such amendments upon such terms and

conditions as he determines are necessary or desirable and commercially reasonable, such determination to be confirmed by our Financial Advisor, and subject to the approval of the Office of the City Attorney as to form and legality. Alternatively, if it is determined that the best alternative is to enter into additional swaps, we recommend that the General Manger be authorized (a) with the advice of our Financial Advisor, to select the counterparties for the additional swaps from among those firms with whom the Utility has International Swaps and Derivatives Association, Inc. ("ISDA") Master Agreements (including Deutsche Bank, if and to the extent that the Utility enters into an ISDA Master Agreement with such Bank as described below) and (b) to enter into such documents evidencing the additional swaps (including, without limitation, a Confirmation under (and as defined in) the ISDA Master Agreement between the Utility and each selected counterparty) as he determines are necessary or desirable and commercially reasonable, such determination to be confirmed by our Financial Advisor, and subject to approval of the Office of the City Attorney as to form and legality.

In addition, since it may be advantageous to expand the number of potential counterparties, we recommend that the General Manger be authorized to negotiate and enter into an ISDA Master Agreement with Deutsche Bank AG, New York Branch in substantially the form of the ISDA Master Agreements to which the Utility currently is a party, and with such changes thereto as the General Manger shall determine are necessary or desirable and commercially reasonable, such determination to be confirmed by our Financial Advisor, and subject to the approval of the Office of the City Attorney as to form and legality. Deutsche Bank, with its strong credit rating, would complement the existing competitive pool of major municipal swap market counterparties.

To the extent that it is determined to be advantageous to enter into additional swaps as described above, we recommend that the City Commission approve the designation of any such additional swap as a "Qualified Hedging Contract" within the meaning of the Utilities Bond Resolution, and authorize the securing of such swap under the Utilities Bond Resolution.

The Clerk of the Commission, the General Manger or other Authorized Officers of the City may be required to take certain other actions and hire certain other professionals to proceed with these transactions. Therefore, we recommend that these officials be authorized to take such other actions as may be necessary or desirable to proceed with the transactions in accordance with this City Commission authorization.

Fiscal Note: Refunding existing debt and restructuring the CMS swaps as described above will help manage future debt service costs, as well as allow GRU to obtain debt service savings in the near term that are well above those we have utilized for our long-term financial projections.

RECOMMENDATION

The City Commission: 1) Authorize the refunding of all or a portion of the outstanding Utilities System Revenue Bonds, 2005 Series B (Federally Taxable), 2005 Series C, 2006 Series A, 2008 Series A (Federally Taxable), and 2010 Series C through the issuance of

variable-rate, tax-exempt bonds; 2) Authorize the refunding of all or a portion of the outstanding Utilities System Revenue Bonds, 2003 Series A and 2005 Series A through the issuance of fixed-rate, tax-exempt bonds; 3) Approve the selection of one or more Senior Managers for the refunding bonds referenced in 1 and 2 above and authorize the appointment of additional Co-Managers if, upon the advice of Public Financial Management (PFM), our Financial Advisor, doing so would enhance the distribution of the refunding bonds; 4) Authorize the restructuring of all or a portion of certain outstanding fixed payer CMS interest rate swaps with JPMorgan Chase Bank, N.A. and Goldman Sachs Mitsui Marine Derivative Products, L.P., either through the amendment of the existing swaps or through the entry into one or more additional swaps, in order to convert the payments to be received by the Utility under such swaps back to the original percentage of 1-month LIBOR formulation; 5) Authorize staff to negotiate and enter into an ISDA Master Agreement with Deutsche Bank in order to provide an additional potential swap counterparty to ensure GRU's ability to receive competitive market-based economics; 6) Authorize the utility to work with its Financial Advisor to select one or more counterparties to provide any additional swaps as described in 4 above; 7) Approve the designation of any such additional swaps as a "Qualified Hedging Contract" within the meaning of the City's Amended and Restated Utilities Bond Resolution; and 8) Authorize the Clerk of the Commission, the General Manager and other Authorized Officers of the City (as defined in the Utilities Bond Resolution) to execute such documents as may be necessary to proceed with the transactions authorized in 1-7 above (including such documents as are necessary or appropriate to evidence the amendment of the existing CMS swaps or the entry into additional swaps), subject to approval of the Office of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with these transactions in accordance with this City Commission authorization.

110775_MOD_ppt. Presentation_20120315.pdf

110775_MOD_C_Chase Memo_20120315.pdf

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ECONOMIC DEVELOPMENT/UNIVERSITY COMMUNITY COMMITTEE

110498.

Re-establishment of an Economic Development Officer Position (B)

A Committee Report-Out from the Economic Development University/Community Committee regarding reestablishing a City Economic Development Officer Position.

Explanation: The City Commission referred the matter of reestablishing an Economic Development Officer Position to the Economic Development University/Community committee (EDUCC) for discussion.

On February 21st, the Committee discussed the referral and heard staff information from the Planning and Development Services Director and the City Manager. Comments were provided by the Gainesville Area Chamber of Commerce and the University of Florida Development Corporation as well.

Fiscal Note: Financial impacts of reestablishing the Economic Development Officer have not been fully assessed at this point in time. If the Commission expresses an interest in moving forward, these impacts will be presented during the upcoming FY 13/14 City budget deliberations.

RECOMMENDATION

EDUCC to the City Commission: 1) Direct the City Manager to add the reestablishment of an Economic Development Officer as an increment to the FY 13/14 budget; and 2) remove this item from the Economic Development/ University Community Committee's pending referral list.

Legislative History

11/3/11	City Commission	Referred (7 - 0)	Audit, Finance and Legislative Committee
11/3/11	City Commission	Referred	Economic Development/University Community Com

110498_Memo to EDUCC Chair_20120221.pdf

110498_Memo_City Manager To EDUCC _20120315.pdf

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

110766.

Nominations - Library District Board of Trustees (B)

RECOMMENDATION

The City Commission nominate the two applicants for consideration of appointment by the Library District Governing Board.

110766_LibraryDistrict_20120315.pdf

OUTSIDE AGENCIES**MEMBERS OF THE CITY COMMISSION****110665****Commissioner Thomas Hawkins (NB)****RECOMMENDATION**

The City Commission refer to the Regional Utilities Committee a review of the GRU cost allocation study.

110768.**Job Description for the Position of City Attorney (B)**

MODIFICATION - (REVISED Job Description for the Position of City Attorney).

Explanation: On July 31, City Attorney Marion Radson will be retiring. In order to prepare for his departure, it is necessary to actively pursue a replacement.

The search firm approved by the City commission requires a formal job description for the position of City Attorney. The job description will identify and inform prospective candidates for the position.

Fiscal Note: Funding is currently available in the FY12 City Commission budget.

RECOMMENDATION

The City Commission approve the job description for City Attorney as submitted.

110768_Job Description_ 20120315.pdf

110768_MOD_REVISED_CA_JOB DESCRIPTION_20120315.pdf

110820.**Mayor Craig Lowe - Request to Join Amicus Brief in the US Supreme Court Case of Arizona v. United States (B)**

MODIFICATION - (Added to the agenda 3/14/2012)

RECOMMENDATION

The City Commission: 1) Hear information; and 2) join the amicus brief on behalf of the United States.

110820_DRAFT SB 1070 AMICUS BRIEF_20120315.pdf

COMMISSION COMMENTS (if time available)

RECESS - 2:59 PM

RECONVENE - 5:50 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

110774.

Earth Hour - March 31, 2012 (B)

RECOMMENDATION *University Office of Sustainability Anna Prizzia to accept the proclamation.*

110774_EarthHour_20120315.pdf

110778.

National Farm Worker Awareness Week - March 25-31, 2012 (B)

MODIFICATION - (New Item added 3/13/2012).

RECOMMENDATION *National Farm Worker Ministry Professor Samuel B. Trickey, Gainesville Interfaith Alliance for Immigrant Justice Organizer Kimberly L. Hunter and University of Florida Student Victor Yengle and CHISPAS Hispanic Student Association Juliette to accept the proclamation.*

110778_FarmWorker_20120315.pdf

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

PUBLIC HEARINGS

WAIVER OF RULES - TIME CERTAIN - 7:00 PM

110782.

Koppers Off-Site Surface Soils Remediation Enhancement in the Stephen Foster Neighborhood (NB)

MODIFICATION - (Waive the rules to hear this item at 7:00 PM - (Time Certain)).

Explanation: The Stephen Foster Neighborhood Association has requested to make a presentation to the Gainesville City Commission on the topic of Surface Soils Remediation Enhancement.

RECOMMENDATION *1) Hear a presentation from the Stephen Foster Neighborhood Association. 2) Take action as deemed*

appropriate.

110782_KoppersPearceA_20120315.pdf
110782_KoppersPearceB_20120315.pdf
110782_KoppersPearceC_20120315.pdf
110782_KoppersPearce E_20120315.pdf
110782_KoppersPearce_20120315.pdf
110782_MOD_Robert Pearce_PPT_20120315.pdf
110782_CITIZEN_Pagan_20120315.pdf
110782_CITIZEN_Roy_20120315..pdf

RESOLUTIONS- ROLL CALL REQUIRED

110762.

REPORT OF THE BOARD OF CANVASSERS (B)

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, run-off election held February 28, 2012; and providing an immediate effective date.

Explanation: On February 28, 2012, a city run-off election for the election of the Commissioner for the At Large 1 Seat was held.

The Report of the Board of Canvassers for the City of Gainesville, showing that Lauren Poe was elected to the At Large 1 Seat, is adopted by this resolution of the City Commission.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

110762_Report of Board of Canvassers_20120315.pdf
110762_resolution_BrdofCanvassers_20120315.pdf

110811.

Qualified Target Industry (QTI) Refund Resolution - MindTree, Ltd (B)

This item seeks City Commission approval for a QTI contribution for the prospective location of computer software and systems design jobs associated with MindTree, Ltd., an information technology and software development firm, within the City of Gainesville.

MODIFICATION - (New Item added after Agenda Review and moved the evening portion of the meeting under Resolutions).

Explanation: MindTree, Ltd., an information technology and software development firm, is currently considering the location of up to 400 computer software and systems design jobs to the City limits. If the firm chooses to select Gainesville/Alachua County for this particular project, site location will take place at 720 SW 2nd Avenue, Gainesville, FL 32601.

The QTI incentive is a state tool available to Florida communities to encourage job growth in targeted, high value added businesses. Pre-approved applicants

creating jobs in Florida receive refunds on the various taxes they pay including corporate, sales, ad-valorem, insurance premium and other taxes. The QTI incentive is performance based and the firm will only receive funds based upon jobs created and meeting other criteria as required by Florida statute.

Eligible QTI applicants must pay an average annual wage that is at least 115% of the State Metropolitan Statistical Area's average annual wage rate. In order to apply, the applicant works with Enterprise Florida prior to making a decision to locate (or expand). The local community normally provides a Resolution to indicate that the commitments of local financial support exist, namely up to 20% of the total tax refund.

In this particular case, MindTree, Ltd., is indicating that it will create up to 400 net new jobs at an average wage of approximately \$80,000 at the proposed location. This firm has pledged a capital investment of approximately \$2,925,000 regarding the proposed location in addition to the proposed job creation.

Due to the incentive calculated per job (\$3,000 per job for location in an Enterprise Zone and for jobs created at 200% of the average annual wage for the SMSA) the total incentive would be \$240,000. Of this, the City would be asked to provide a 10% match (\$120,000) over a period of four years with an equal 10% match (\$120,000) coming from Alachua County for a total local match of \$240,000.

The Gainesville Area Chamber of Commerce and its economic development arm, the Council for Economic Outreach (CEO), have been working with MindTree, Ltd. and recommends approval of this request.

Fiscal Note: If this item is approved, the City Commission agrees to budget and appropriate up to \$120,000 over four years in the event that tax refunds are approved by the state.

RECOMMENDATION

The City Commission: 1) authorize the Mayor to execute the QTI Resolution regarding MindTree, Ltd.; and 2) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.

110811A_Resolution_20120315.pdf

110811B_Overview-QTI_20120315.pdf

110811_MOD_REVISED_RESOLUTION_201210315.pdf

110811_resolution_20120315.pdf

TRANSMITTAL HEARING

110599.

COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT (B)

Ordinance No. 110599; Petition No. PB-11-138 CPA

An ordinance amending the Future Land Use Element of the City of

Gainesville Comprehensive Plan; by amending Policy 4.6.1; by amending Objective 4.7, Policy 4.7.1 and the Future Land Use Categories and Corresponding/Implementing Zoning Districts table; 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

Changes made in Florida's Growth Management laws during the 2011 legislative session (House Bill 7207) have eliminated many requirements related to Comprehensive Plans. One of those requirements was the inclusion of a table in the Future Land Use Element of the Comprehensive Plan that lists the land use categories and their corresponding zoning districts. Because this table is no longer required in the Comprehensive Plan and because an identical table is contained in Section 30-46 of the Land Development Code, staff recommends deletion from the Comprehensive Plan.

Public notice was published in the Gainesville Sun on November 17, 2011. On December 5, 2011, the City Plan Board held a public hearing and, by a vote of 4-0, recommended the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven (7) days prior to the first public hearing. The second public hearing is held at the adoption stage and must be advertised at least five (5) days before the adoption hearing.

In accordance with Chapter 163.3184, Florida Statutes, within 10 days after the first hearing, the City must transmit the plan 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 concerning the plan amendment to the City. The City must consider the written comments received, if any, during the second public hearing.

If adopted on second reading, the ordinance will be sent to the State Land Planning Agency and any party that submitted written comments, and the plan amendment, if not timely challenged, shall be effective 31 days after the State Land Planning Agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the State Land Planning Agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective.

RECOMMENDATION

The City Commission (1) approve Petition PB-11-138 CPA and (2) adopt the proposed ordinance.

110599A_draft ordinance_20120315.pdf
110599B_staff report_20120315.pdf
110599C_cpb minutes_20120315.pdf
110599D_staff ppt_20120315.pdf

110608.**COMPREHENSIVE PLAN AMENDMENT - RECREATION ELEMENT
(B)****Ordinance No. 110608; Petition No. PB-11-135 CPA**

An ordinance amending the Recreation Element of the City of Gainesville Comprehensive Plan; by amending Objective 1.1 and its Policies 1.1.1, 1.1.5; by amending Policies 1.2.2, 1.2.3, 1.3.1, 1.3.2, 1.3.3 and 1.6.1; by amending Objective 1.8 and its Policy 1.8.3; by amending Policies 2.1.2 and 3.1.2; by amending Objective 3.2 and its Policies 3.2.1 and 3.2.2; by amending "Table 1: Service Level Standards for Parks and Facilities"; by amending the Park Design and Function Standards and the Park and Facility Substitution standards; 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 and ordinance proposes to amend the Recreation Element of the City of Gainesville Comprehensive Plan to include goals, objectives and policies that are the result of the former Evaluation and Appraisal Report (EAR) process. The Plan Board reviewed this Element and provided comments at workshops on March 31 and April 28, 2010. A progress report on this Element was heard by the City Commission on May 20, 2010. On December 27, 2010, the former Department of Community Affairs found the City's EAR submitted to be sufficient.

However, part way through bringing the EAR amendment petitions to the City Plan Board and City Commission, the legislature passed House Bill 7207 (now Chapter Law 2011-139), a new state growth management law effective June 2, 2011. The former EAR report process was eliminated and a new evaluation process has replaced it. Since the needed amendments to comprehensive plan elements were identified during the former process, the City is moving forward (outside of the new evaluation process) to update the comprehensive plan. The new law does not prohibit the City from doing so.

Amendments to the goals, objectives and policies include a revised Objective 1.1 and Policy 1.1.1 that deletes the reference to the Park and Facility Substitution Standards. The City also proposes to delete Policy 1.1.5, which references these standards. Policy 1.3.1 states that the City will continue to coordinate with the County on recreation planning in the urban area. Policy 1.3.2 has been deleted because the City does not fund outside agencies. Policy 1.3.3 has been renumbered to be the new Policy 1.3.2 and states that the City will work with specific school sites concerning public use of school facilities. Policy 1.6.1 states that the City shall continue to see that community parks shall

provide bicycle and pedestrian access meeting Traffic Engineering standards. Policy 1.8.3 has added examples of alternative means of funding recreation activities. Policy 2.1.2 adds that comprehensive plan policies also promote the establishment of the trail network. Policy 3.1.2 requires City staff to submit reports to the City Commission concerning updates of the capital improvements program. Policy 3.2.1 references the findings of the Parks, Recreation and Cultural Affairs Master Plan. Table 1: Service Level Standards for Parks and Facilities reflects changes in the level of service standards. The Park Design and Function standards update park names and dates. Finally, the Park and Facility Substitution standards are deleted.

Public notice was published in the Gainesville Sun on November 17, 2011. On December 5, 2011, the City Plan Board held a public hearing and, by a vote of 4-0, recommended the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven (7) days prior to the first public hearing. The second public hearing is held at the adoption stage and must be advertised at least five (5) days before the adoption hearing.

In accordance with Chapter 163.3184, Florida Statutes, within 10 days after the first hearing, the City must transmit the plan 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 concerning the plan amendment to the City. The City must consider the written comments received, if any, during the second public hearing.

If adopted on second reading, the ordinance will be sent to the State Land Planning Agency and any party that submitted written comments, and the plan amendment, if not timely challenged, shall be effective 31 days after the State Land Planning Agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the State Land Planning Agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective.

RECOMMENDATION

The City Commission (1) approve Petition PB-II-135 CPA and (2) adopt the proposed ordinance.

110608A_draft ordinance_20120315.pdf
110608B_staff report_20120315.pdf
110608C_Recreation Element GOPs_20120315.pdf
110608D_data analysis addendum to Rec Element_20120315.pdf
110608E_Gainesville and School Bd_20120315.pdf
110608F_Application_20120315.pdf
110608G_cpb minutes.pdf
110608H_staff ppt_20120315.pdf

ADOPTION READING-ROLL CALL REQUIRED

110555.

REZONING – 2200 BLOCK OF SW 38TH TERRACE (B)

Ordinance No. 110555, Petition No. PB-11-124ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property located in the vicinity of the 2200 block of SW 38th Terrace, west side, from the Alachua County zoning category of “Multiple family high density (R-3) district” to the City of Gainesville zoning category of “PS: Public services and operations district”; to permit stormwater management facilities, passive recreation, transit stops, and uses customarily incidental to any permitted principal use; excepting the requirement of a preliminary development plan; providing directions to the City Manager; adopting certain conditions; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

This proposed rezoning from Alachua County Multiple family, high density (R-3) district to City of Gainesville Public services and operations (PS) district (Public services and operations district) is for an approximately 3.92-acre property located on the west side of SW 38th Terrace and approximately 295 feet north of SW 24th Avenue. This City-owned property was part of the Urban Village annexation that occurred in 2009. The property is within the Urban Village area, which covers approximately 396 acres of southwest Gainesville in the area of SW 20th Avenue and SW 24th Avenue, west of SW 34th Street. The purpose of this petition is to place appropriate City of Gainesville zoning on this annexed property. The proposed PS zoning will implement the Public Facilities land use which was approved on November 3, 2011.

The property is used as a stormwater detention pond that was constructed in 2008 to manage the stormwater runoff from SW 38th Terrace, and is adjacent to vacant, wooded land to the north and south. To the east is two-lane SW 38th Terrace, and vacant, wooded land with one dilapidated and abandoned residential building. To the west is a multi-family residential development, and vacant, wooded land. Urban Mixed-Use 2 (UMU-2: 10 to 100 units per acre; and up to 25 additional units per acre by special use permit) land use for the surrounding properties was approved on November 3, 2011. Alachua County Multiple family, high density (R-3) zoning is to the north, south and east, and Alachua County Planned development (PD) district and Multiple family, high

density (R-3) district zoning are to the west.

There is no reasonable prospect that the stormwater management facility that is required to manage the runoff from SW 38th Terrace will be converted to another use. The staff and City Plan Board recommendation is therefore that the uses to be allowed by the PS zoning ordinance be limited to stormwater management facilities, passive recreation, transit stops, and any use customarily incidental to any permitted principal use. Allowance of passive recreation, transit stops, and customarily incidental (i.e., accessory uses) uses will eliminate the need for future rezoning to add these uses which are compatible with stormwater management facilities.

Public notice was published in the Gainesville Sun on October 11, 2011. The City Plan Board held a public hearing on November 1, 2011.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-11-124ZON; and 2) adopt the proposed ordinance.*

110555-A-draft ordinance_20120315.pdf
 110555B_staff report_20120315.pdf
 110555C_Land Development Code_20120315.pdf
 110555D_Supplemental Docs_20120315.pdf
 110555E_Application_20120315.pdf
 110555F_cpb minutes_20120315.pdf
 110555G_staff ppt_20120315.pdf
 110555_Ordinance_20120315.pdf

110556.

REZONING – 4201 SW 21ST PLACE (B)

Ordinance No. 110556, Petition No. PB-11-125ZON

An ordinance of the City of Gainesville, Florida, in the vicinity of 4201 SW 21st Place; amending the Zoning Map Atlas and rezoning certain property located at 4201 SW 21st Place, from the Alachua County zoning category of “Multiple family high density (R-3) district” to the City of Gainesville zoning category of “PS: Public services and operations district”, as more specifically described in this ordinance; to allow for social service homes and halfway houses, rehabilitation centers, housing for elderly persons, day care centers, libraries, museums and art galleries, executive offices, legislative bodies, general government, police protection, legal counsel and prosecution, public order and safety, administration of public health programs, social, human resource and income maintenance programs, veterans’ affairs, environmental quality and housing programs, general economic programs, and the regulation of agricultural marketing and commodities, the regulation, licensing, and inspection of miscellaneous commercial sectors and any use customarily incidental to any permitted principal use with certain conditions as set forth in this ordinance; excepting the requirement of a preliminary development plan; providing directions to the City Manager; adopting a certain finding; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

This zoning petition pertains to an approximately 0.90-acre property located at 4201 SW 21st Place and the lot immediately south. This developed property is approximately 540 feet east of SW 43rd Street, and was part of the Urban Village annexation that occurred in 2009. The surrounding properties to the north, east and west have Alachua County R-3 (Multiple family, high density district) zoning, and are developed as apartment complexes. The undeveloped, City-owned property to the south is planned for future use as a water re-pump station or other utilities use by GRU, and was recommended for rezoning to PS (Public services and operations district) on August 25, 2011 by the City Plan Board (Petition PB-11-105 PSZ).

The purpose of this petition is to place appropriate City of Gainesville zoning on this annexed property. The proposed PS (Public services and operations district) zoning will implement the Public Facilities land use which was approved for this property and the property to the south (second reading of the ordinance implementing Petition PB-10-137 LUC) on November 3, 2011. The adopted ordinance also approved Urban Mixed-Use 2 (UMU-2: 10 to 100 units per acre; and up to 25 additional units per acre by special use permit) land use for the properties to the north, east and west.

This Alachua County property is in use as Metamorphosis, which is Alachua County Court Services' long-term, community-based, residential treatment program for adult, chronic substance-dependent clients. This use is in accord with Alachua County Resolution No. Z-97-14 for a Special Use Permit to allow a substance abuse treatment center in an R-3 (Multiple-Family, High Density) district, which was approved in 1997 by the Board of County Commissioners. Metamorphosis is classified in the City's Land Development Code as a social service home or halfway house. Section 30-23 defines social service home or halfway house to be a facility providing professional care, resident or nonresident, for those requiring therapy, counseling or other rehabilitative services related to drug abuse, alcohol abuse, social disorders, physical disabilities, mental retardation or similar problems.

Section 30-75 of the Land Development Code requires that the permitted uses for a property with PS zoning be specified in the ordinance that places PS zoning on a property. The staff and City Plan Board recommendation is that the permitted uses for this property be limited to Social service homes and halfway houses (with six additional conditions for the use that was approved by Alachua County Resolution Z-97-14), plus various other uses listed in the staff report. The other permitted uses include but are not limited to Rehabilitation centers (in accordance with Article VI), Housing for elderly persons (in accordance with Article VI), Day care centers (in accordance with Article VI), Libraries (IN-8231), Museums and art galleries (IN 8412), and Executive offices (IN-9111).

Public notice was published in the Gainesville Sun on October 11, 2011. The City Plan Board held a public hearing on November 1, 2011.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-11-125ZON; and 2) adopt the proposed ordinance.

110556-A_draft ordinance_20120315.pdf
 110556B_staff report_20120315.pdf
 110556C_Land Development Code_20120315.pdf
 110556D_supplemental documents_20120315.pdf
 110556E_application_20120315.pdf
 110556G_staff ppt_20120315.pdf
 110556F_cpb minutes_20120315.pdf
 110556_Ordinance_20120315.pdf

110557.**REZONING - 4035 SW 20TH AVENUE (B)****Ordinance No. 110557, Petition No. PB-11-126ZON**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property located in the vicinity of 4035 SW 20th Avenue, from the Alachua County zoning category of "Planned development (PD) district" to the City of Gainesville zoning category of "PS: Public services and operations district"; to permit telecommunications facilities, utility buildings or facilities, stormwater management facilities, and uses customarily incidental to any permitted principal use; excepting the requirement of a preliminary development plan; providing directions to the City Manager; adopting certain conditions; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

This zoning petition pertains to an approximately 0.34-acre property located at 4035 SW 20th Avenue. This narrow, triangular property that abuts SW 20th Avenue was part of the Urban Village annexation that occurred in 2009. It is used as a telecommunications facility (in a 240 square-foot, single-story, unstaffed building containing equipment only), and it has a utility easement (UE-035-72) in which GRU water and sewer lines are located. The property is on the south side of SW 20th Avenue, across from the Madison on 20th apartment complex. The property is at the east side of the entrance to the Madison Lane apartment complex, and is on the north side of the Mill Run condominium complex, from which it is separated by a wooded area and a wetland. Alachua County Planned development (PD) zoning districts are to the north, south and west, and SW 20th Avenue is to the east.

The purpose of this petition is to place appropriate City of Gainesville zoning on this annexed property. The proposed PS (Public services and operations district) zoning will implement the Public Facilities land use which was approved (second reading of the ordinance implementing Petition PB-10-137 LUC) on November 3, 2011. That ordinance also approved Urban Mixed-Use 2 (UMU-2: 10 to 100 units per acre; and up to 25 additional units per acre by special use permit) land use for the surrounding properties.

Section 30-75 of the Land Development Code requires that the permitted uses for a property with PS zoning be specified in the ordinance that places PS zoning on a property. This small, triangular property used by AT&T as a telecommunications facility (electronic hub location in which voice and other data move from fiber optic to copper wire for distribution to customers) has limited development potential due to its small size, configuration and location. The staff and City Plan Board recommendation is that the uses to be allowed by the PS zoning ordinance be telecommunications facilities, utility buildings or facilities as defined in Section 30-23 of the Land Development Code, stormwater management facilities, and any use customarily incidental to any permitted principal use. These uses are generally compatible with the existing telecommunications facility use.

Public notice was published in the Gainesville Sun on October 11, 2011. The City Plan Board held a public hearing on November 1, 2011.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-11-126ZON; and 2) adopt the proposed ordinance.*

110557-A_draft ordinance_20120315.pdf
 110557B_staff report_20120315.pdf
 110557C_Land Development code_20120315.pdf
 110557D_supplemental documents_20120315.pdf
 110557E_application_20120315.pdf
 110557F_cpb minutes_20120315.pdf
 110557G_staff ppt_2020315.pdf
 110557_Ordinance_20120315.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

110598.

AMEND THE URBAN MIXED-USE DISTRICT 1 (UMU-1) ZONING DISTRICT (B)

Ordinance No. 110598; Petition No. PB-11-139 TCH

An ordinance of the City of Gainesville, Florida, amending Section 30-65.1 Urban mixed-use district 1 (UMU-1) of the Land Development Code; by amending the density requirements and the building height requirements; 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 ordinance amends the Urban mixed-use district 1 (UMU-1) zoning district to be consistent with the updated Urban mixed-use 1 (UMU-1) future land use category of the City of Gainesville Comprehensive Plan updated by Ordinance No. 100684 adopted on July 21, 2011.

Public notice was published in the Gainesville Sun on November 17, 2011. On December 5, 2011, the City Plan Board held a public hearing and, by a vote of 4-0, approved the Petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on March 15, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

3/1/12 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (7 - 0)

110598A_draft ordinance_20120301.pdf
110598B_staff report_20120301.pdf
110598C_FLU element_20120301.pdf
110598D_application_20120301.pdf
110598E_111205 cpb minutes_20120301.pdf
110598F_staff ppt_20120301.pdf
110598_Ordinance_20120315.pdf

PLAN BOARD PETITIONS

110740.

Amendment to the Gainesville Auto Town Center Planned Development (B)

Petition PB-11-158 PDA. Causseaux, Hewett, and Walpole, Inc., agent for Duval Motorcars of Gainesville, Inc. Amend the PD (Planned Development district) zoning ordinance # 100520 to remove Condition #24 pertaining to a time limit for filing an application for development plan review. Located in the 3900 block of North Main St., west side.

Explanation: This petition is a request to amend Ordinance #100520 for the Gainesville Auto Town Center Planned Development (PD). The property is located at 3900 North Main Street, northwest corner of NW 39th Avenue and North Main Street. The development site consists of five separate parcels totaling approximately 18.4 acres. The development was originally approved by the City Commission as Ordinance #070706 on April 14, 2008. The first phase of the PD is constructed and currently occupied by the Mercedes Benz dealership which occupies approximately 12.8 acres of the site. The remaining 5.6 acres of the site is proposed as phase II and regulated by both Ordinance #100520 and Ordinance #070706. On September 15, 2011 the City Commission approved a request to extend the valid period of the PD and to modify the list of uses applicable to the undeveloped Phase II portion.

The applicant's request is to remove Condition #24 of Ordinance 100520 which is listed below.

Condition 24.

Development plan review for Phase II shall be filed no later than three years from the date of adoption of this Ordinance No. 100520. Construction must commence no later than eighteen (18) months after the approval of the Final Development Order for Phase II. Once construction commences, the development must maintain an active building permit in accordance with the requirements of the Building Code. If an active building permit is maintained, the development may diligently proceed towards completion of the planned development. Failure to comply with those requirements shall render this development order null and void.

The City Plan Board conducted a public hearing on January 26, 2012 pertaining to the request and voted 4 to 0 to recommend approval of the petition to remove Condition #24 from the ordinance regulating the development.

Public notice was published in the Gainesville Sun on January 10, 2012. The Plan Board held a public hearing on January 26, 2012.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission -Approve Petition PB-11-158PDA.

Staff to City Commission- Approve Plan Board's recommendation.

Staff to City Plan Board- Approve Petition PB-11-158PDA.

110740A_staff report_20120315.pdf

110740B_Technical Review Committee comments_20120315.pdf

110740C_Application_20120315.pdf

110740D_Approved PD_Ord 100520_20120315.pdf

110740E_cpb minutes_20120315.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

TIME CERTAIN - 7:00 PM

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT

ADJOURNMENT - 9:53 PM