

City of Gainesville

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



Meeting Agenda

March 05, 2009

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Jack Donovan (District 3)
Commissioner Thomas Hawkins (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Craig Lowe (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

070399.

Site Selection for Fleet Management Garage and Materials Storage Facility (B)

Explanation: On August 21, 2008, the City Commission ranked (3) sites for the Fleet Management Garage and Materials Storage Facility with J.D.F. Logistics, Inc. property ranked as #1. At that meeting, the City Commission also authorized the City Manager or his designee, to initiate negotiations with the representative of the number #1 ranked property, J.D.F. Logistics, Inc., and upon successful negotiations, to execute the contract and related documents upon approval from the City Attorney's office as to form and legality.

Staff negotiated with the Seller (J.D.F. Logistics, Inc.) for approximately (5) months before agreeing to a purchase price of \$1.3 million. The appraised value of the property is \$715,000 and Staff terminated negotiations when the Seller did not accept an offer of \$1 million from Staff. Negotiations were resumed after Staff considered the following: 1) The J.D.F. Logistics, Inc. property was the only one that met the criterion of the minimum required contiguous acreage within the acceptable distance from the PWC facility and GRU's Eastside Operation Center; 2) it is estimated that there are 40 useable acres of the 78.37 acres which will not only allow for future expansion of both projects but will also provide another (20) acres for future use; and 3) the purchase price used during the analyses to rank the properties was the Seller's asking price of \$1.7 million. Relocation of the Fleet Garage and the Streets Recycling and Materials handling operations is estimated to be completed within (24) months after the property is purchased or in March of 2011.

Fiscal Note: Funding for the project was approved by the City Commission as part of the FY 2009 to FY 2013 CIP.

RECOMMENDATION

The City Commission 1) approve the purchase of the property from J.D.F. Logistics, Inc. for \$1.3 million, and 2) authorize the City Manager to execute the purchase contract and all necessary closing documents, subject to approval by the City Attorney's Office as to form and legality.

Alternate Recommendation:

The City Commission 1) direct staff to discontinue with negotiations for the purchase of the J.D.F. Logistics, Inc. property for \$1.3 million; and 2) give staff specific direction as to how the City Commission wishes to proceed with this project.

Legislative History

8/27/07	City Commission	Referred (7 - 0)	Community Development Committee
9/13/07	Community Development Committee	Approved as Recommended	
10/30/07	Community Development Committee	Approved as Recommended	
11/5/07	City Commission	Withdrawn	
12/4/07	Community Development Committee	Approved as Recommended	
1/17/08	Community Development Committee	Approved as Recommended	
2/18/08	City Commission	Approved as shown above (See Motion) (7 - 0)	
8/11/08	City Commission	Approved, as shown above (Main Motion) (7 - 0)	
8/21/08	City Commission	Approved as Recommended (7 - 0)	

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Citizen Comment.pdf
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070399f_20080218.pdf
070399g_20080218.pdf
070399b_20080117.pdf
070399_20080218.pdf
070399h_20080218.pdf
070399_PPT_20080811.PDF
070399_MOD-PPT_20080811.PDF
070399_TALLY SHT_20080821.pdf
070399_MOD-Aerial Map_20080821.PDF
070399_MOD-Parcel Map_20080821.PDF
070399_MOD-Cost Analysis_20080821.PDF
070399_Maps_20090305.pdf
070399_Appraisal Summary_20090305.pdf
070399_Negotiation Correspondance_20090305.pdf

080798.**Interlocal Agreement with Alachua County and Alachua County Housing Authority for Operation of the local Office on Homelessness (B)**

This agenda item requests the City Commission to approve the execution of the Interlocal Agreement for operation of the local Office on Homelessness to include the one-stop homeless assistance center as a responsibility of the Office on Homelessness.

Explanation: Since October 2006, the an Interlocal Agreement between the City of Gainesville, Alachua County, and the Alachua County Housing Authority has continued for the operation of a local Office on Homelessness under the direction of the Alachua County Housing Authority. This Interlocal Agreement provides for services related to implementation of the City of Gainesville-Alachua County 10-Year Plan to End Homelessness to be funded by the City of Gainesville and Alachua County through September 30, 2009.

Fiscal Note: The City Commission has approved \$36,000 from the City's FY 2008-2009 budget; and the County will provide to the City \$36,000 within 30 days of the execution of the Interlocal Agreement Office on Homelessness for a total of \$72,000 to fund the operation of the local Office on Homelessness.

RECOMMENDATION

The City Commission approve the Interlocal Agreement between the City of Gainesville, Alachua County, and the Alachua County Housing Authority for

operation of the Office on Homelessness and authorize the Mayor to execute the agreement on behalf of the City, subject to review by the City Attorney as to form and legality.

080798_Interlocal Agrmt_20090305.pdf

080838.

Execution of Lot 10 Option Agreement (NB)

Explanation: On October 16, 2008, the City Commission formally rescinded agreements associated with the proposed Gainesville Greens project. The City Commission also authorized the City Manager to obtain an appraisal on Lot 10 and to negotiate an option and purchase agreement with the CRA.

An appraisal was subsequently obtained, identifying the value of the property as \$500,000. The City and the CRA have negotiated an option contract for the purchase and sale of land for Lot 10, with a purchase price of \$500,000 (the appraised value). The option shall expire two years following its effective date.

Execution of the option agreement is one of the final elements required to issue the new RFP for redevelopment at Lot 10. CRA Staff is working closely with the Attorney and with the City of Gainesville Purchasing Department in order to issue the RFP as soon as possible.

Fiscal Note: None at this time

RECOMMENDATION

CRA to the City Commission: 1) authorize the City Manager to execute the option contract for the purchase and sale of land at Lot 10.

Legislative History

2/16/09	Community Redevelopment Agency	Approved as Recommended (6 - 0 - 1 Absent)
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080853.

Proposed Florida Department of Corrections Correctional Facility (B)

The Alachua County Board of County Commissioners requests that the City of Gainesville send a letter in opposition to the proposed Florida Department of Corrections correctional facility along N.E. 39th Avenue.

Explanation: The Florida Department of Corrections has begun the process for construction of a new correctional facility along N.E. 39th Avenue adjacent to the Florida Department of Transportation's Administrative Office complex. It is anticipated that this facility will include a 2600 bed correctional facility, an 1100 bed mental health facility, a firing range, dog kennels, on-site power generation, 25 residential units for officers, and apartment housing for officers in transition.

The Alachua County Board of County Commissioners has sent a letter of opposition to the Secretary of the Florida Department of Corrections, the Governor and Cabinet, the Alachua County legislative delegation, the Chair of the House Criminal and Civil Justice Policy Council, and the Chair of the Senate Committee on Criminal Justice. The letter states that the planned facility will conflict with the Comprehensive Plans of both the City of Gainesville and Alachua County, including Plan East Gainesville, and will disrupt future development plans for the surrounding area.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission: 1) authorize the Mayor to send a letter to the Florida Department of Corrections addressing the corrections facility proposed for N.E. 39th Avenue requesting the facility not be built at the site due to the potentially negative impact to the Plan East Gainesville vision and the economic viability of the surrounding area; and 2) send a copy of the letter to the Governor and Cabinet, the Alachua County legislative delegation, the Chair of the House Criminal and Civil Justice Policy Council, and the Chair of the Senate Committee on Criminal Justice.

080853_county request_20090305.pdf

080854.

Regional Transit System Procurement of Buses (Federal Assets) from the Central Florida Regional Transit Authority (LYNX) (B)

This item is a request that the City Commission approve the procurement of buses from the Central Florida Regional Transit Authority (LYNX).

Explanation: The Regional Transit System (RTS) fixed route fleet consists of one hundred and five (105) transit buses. Sixty-six percent of this fleet exceeds their useful life expectancy. RTS purchases new buses when funding is available and acquires used buses and parts when necessary.

The Central Florida Regional Transit Authority (LYNX) has recently acquired new buses and desires to transfer the remaining balance of the federal interest on twenty-one (21) heavy-duty diesel powered transit buses to RTS. In order to maintain service levels and manage fleet costs, RTS would like to acquire these buses. They are 1997 and 1998 Gillig transit buses that are 35' to 40' in length. Although they have reached their useful life expectancy, they have new major components, such as engines and transmissions. These assets are in good condition and can be placed into service with minimal maintenance. The addition of these assets will allow RTS to retire buses that are 1989 and 1990 models, reduce maintenance and part costs associated with aged and diverse buses, and support RTS in its efforts to standardize its bus fleet.

City Commission approval is required to accept these federal assets.

Fiscal Note: The asset value of the twenty-one buses is \$158,705.63 and would be assumed

by RTS. LYNX has authorized the transfer of the aforementioned assets at no cost to RTS.

RECOMMENDATION *The City Commission approve the transfer of federal assets from Central Florida Regional Transit Authority (LYNX) to the City of Gainesville Regional Transit System.*

080854_Agreement_20090305.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

080858.

General Engineering and Consultation Services (B)

Staff recommends approval of the listing of qualified engineering and consultation firms and authorization to negotiate contracts with those firms in accordance with the Consultants Competitive Negotiations Act for required services.

Explanation: On September 4, 2008, the City Commission authorized GRU to initiate contract negotiations with qualified architectural, engineering and consultation firms as a result of a Request for Statement of Qualifications (RFSQ) for those services. Professional Service Agreements (PSAs) were established with the firms; however, following the process, additional companies were identified whose services are likely to be required by GRU in the future due to their unique capabilities and experience. GRU issued a second RFSQ on October 23, 2008 in an effort to evaluate those firms in compliance with the CCNA with the intent of establishing PSAs for required specialized services.

Staff recommends authorizing the General Manager, or his designee, to negotiate five year PSAs with the attached listed qualified firms to provide the professional architectural, engineering and consultation services required by GRU. The PSAs will contain standard terms and conditions and include a negotiated rate sheet. Labor rates may be adjusted annually with the concurrence of GRU.

The scope of services to be negotiated will include, but not be limited to, engineering, and consultation services as detailed in the RFSQ. These consulting services will be utilized to supplement Utility wide in-house design and professional staff in support of specific City Commission budget approved Capital Improvement projects or other projects that may emerge.

GRU will award work to the firms selected on a project specific basis. GRU will award each project based upon an evaluation of the firm's understanding of the project scope, the firm's specific expertise or ability to complete the project, as well as the project completion time and cost as reflected by proposed level of effort. Staff will issue separate requests for professional services when it is deemed to be in GRU's best interest. For projects with a construction cost estimated to exceed one million dollars, a separate RFSQ will be issued, requesting project specific submittals from the list of qualified professionals the

rank order will be submitted to the City Commission for approval.

Fiscal Note: Funding for the projects for which design or consultation services are required have been budgeted in the Capital Improvements Budgets of Utility departments requiring these services for fiscal year 2008/2009 and will be budgeted in future years as required.

RECOMMENDATION

The City Commission: 1)approve the listing of qualified, engineering and consultation firms for the provision of design or consultation services associated with Utility System facilities and City Commission approved Capital Improvement Projects or unexpected projects that may emerge from time to time; 2)authorize the General Manager, or his designee, to initiate contract negotiations with the qualified firms in accordance with the Consultants Competitive Negotiations Act (CCNA); 3)authorize the General Manager, or his designee, upon successful negotiations, to execute professional services agreements (PSAs) for a five year period, subject to approval of the City Attorney as to form and legality, in an amount not to exceed budgeted amounts for professional architectural, engineering or consultation services.

080858_presentation_20090305.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

080839.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of February 9, 2009 and February 19, 2009, as circulated.

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080859.

City Commission Budget Meetings (NB)

Explanation: The General Manager for Utilities has requested July 20th at 5:00PM(following CRA) and July 28th at 9:00 AM.

The City Manager has requested July 29th at 5:00PM and two additional meeting dates on July 22nd and July 27 at 9:00 AM.

RECOMMENDATION

The City Commission approve the meeting dates and times.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****080711.****Procedure for the Approval of Vertical Capital Projects or Major Renovation to City Buildings (B)**

This item involves the submittal of a proposed procedure for obtaining the various approvals for the construction of vertical capital projects and major renovations to City buildings.

Explanation: This item involves the submittal of a proposed procedure for obtaining the various approvals for the construction of vertical capital projects and major renovations to City buildings, and provides the opportunity for input from the Mayor, City Commissioners and community.

On January 11, 1999, the City Commission adopted a Design Guidelines Manual which describes the design guidelines and review process for the construction of new public City buildings and major renovations to existing City buildings. The current Design Guidelines Manual includes criteria that are specific to a public civic building in an urbanized environment. Staff currently utilizes these procedures but would like to recommend some changes that will allow for increased input by the Community and the City Commission at an earlier stage in the process. It will also allow the City Commission to determine and direct staff, in the early stage, as to which design guidelines apply to each project. The successful design of certain vertical capital projects will be driven by the functions that will be performed from these facilities and might not be in conformance with the standards that are included in the current Design Guidelines Manual.

Fiscal Note: None.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff outlining the proposed procedure; 2) receive input from the City Commission; and 3) approve the procedure, including any suggested changes.

Alternate Recommendation A: The City Commission directs staff to develop a different procedure.

Alternative Recommendation B: The City Commission direct staff to continue using the existing Design Guidelines Manual.

080711_PPT_20090305.pdf

080840.**Request to Open Wages Articles in Existing Labor Agreements (NB)**

This is a request for the Fraternal Order of Police (FOP) Gator Lodge 67, Inc. Bargaining Unit, the International Association of Firefighters - District Chiefs (IAFF - DC) Local 2157 Bargaining Unit, and the North Central Florida Police Benevolent Association (PBA) Bargaining Unit to open their Wages Articles in the existing Labor Agreements.

Explanation: The FY 2010 General Fund Budget surplus deficit is projected to be \$3.4 million. The FOP Agreement has been reached through negotiations between the Fraternal Order of Police Gator Lodge 67, Inc. and the City of Gainesville, and was ratified by the Fraternal Order of Police Gator Lodge 67, Inc. Bargaining Unit on May 8, 2008. This Agreement extends the current Collective Bargaining Agreement through September 30, 2010.

The IAFF-DC Agreement has been reached through negotiations between the International Association of Firefighters - District Chiefs (IAFF-DC) Bargaining Unit and the City of Gainesville, and was ratified by the International Association of Firefighters - District Chiefs (IAFF-DC) Bargaining Unit on October 9, 2008. This Agreement extends the current Collective Bargaining Agreement through September 30, 2011.

The PBA Agreement has been reached through negotiations between the North Central Florida Police Benevolent Association (PBA) Bargaining Unit and the City of Gainesville, and was ratified by the North Central Florida Police Benevolent Association (PBA) Bargaining Unit on August 14, 2008. This Agreement extends the current Collective Bargaining Agreement through September 30, 2011.

Fiscal Note: There is no initial fiscal impact.

RECOMMENDATION

The City Commission direct staff to request the Fraternal Order of Police (FOP) Gator Lodge 67, Inc. Bargaining Unit, the International Association of Firefighters - District Chiefs (IAFF - DC) Local 2157 Bargaining Unit, and the North Central Florida Police

Benevolent Association (PBA) Bargaining Unit to open their Wages Articles in the existing Labor Agreements.

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

080621.

Butterfly Education Project Proposed Community Implementation Plan to Promote the Self-Designation of Gainesville, Florida as the "First Butterfly City" (B)

This item is in response to a City Commission request to receive an update at an appropriate time on "First Butterfly City" activities.

Explanation: On October 16, 2008, Mr. Gabriel Hillel appeared before the City Commission to request the City be designated as a "Butterfly City." The City Commission requested that the item be placed on the City Commission agenda with recommended action. On December 4, 2008, the Communications Office presented a report to the City Commission in response to the referral to the City Manager, to determine the feasibility of self-designating the City of Gainesville as a "Butterfly City".

The City Commission received the report, heard remarks from Mr. Hillel, and during subsequent discussion, clarified its intent that community activities related to the self-designation of Gainesville as the "First Butterfly City" remain a grassroots initiative with minimal active involvement of City staff and resources. The Commission amended and approved the staff recommendation to self-designate the City of Gainesville as the "First Butterfly City in coordination with October 2009 Butterfly Fest planned activities and programs."

At the direction of the City Manager, the Communications Office continues to liaise with Mr. Hillel regarding the development of a Butterfly Education Project Proposed Community Implementation Plan to promote the Self-Designation of Gainesville, Florida as the "First Butterfly City." During Citizen Comment at the City Commission Meeting of February 5, 2009, Mr.

Hillel appeared before the City Commission to discuss Butterfly City activities. The City Commission requested that at an appropriate time an update be provided to the Commission on Butterfly City activities. At the recommendation of the Communications Office, the Butterfly Education Project has prepared a proposed Community Implementation Plan to promote the Self-Designation of Gainesville, Florida as the "First Butterfly City." The Plan includes the following requests for additional support: 1) Letter of Commitment from the City of Gainesville expressing its support of Butterfly Education Project Fundraising initiatives; 2) in-kind service support from the City, including staff and venue support; and 3) seed funding for a matching grant to sustain a planned visual arts competition and display.

Fiscal Note: The value of the in-kind support provided by the City of Gainesville will be estimated once specific in-kind services are identified. Both the specific details of in-kind support and any requests for seed funding will be brought to the City Commission for approval at a future City Commission meeting.

RECOMMENDATION

That the City Commission: 1) receive the project's revised Community Implementation Plan to Promote the Self-Designation of Gainesville, Florida as the "First Butterfly City and receive a presentation from Mr. Hillel, of the Butterfly Education Project"; 2) direct the City Manager to identify an appropriate level of in-kind service support for the Community Implementation Plan; and 3) determine what, if any, level of seed funding for a matching grant in support of the Plan is appropriate, and direct the City Manager to identify possible sources of funding.

Legislative History

12/4/08 City Commission Approved as Amended (6 - 0 - 1 Absent)

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080621A_Power Point_20090305.pdf

080621B_Implementation Plan_20090305.PDF

080621C_White Paper_20090305.pdf

MEMBERS OF THE CITY COMMISSION

080800.

Commissioner Thomas Hawkins - Form Based Coding (B)

RECOMMENDATION

The City Commission hear a brief presentation on Form Based Coding.

Legislative History

2/19/09 City Commission Continued

080800_C_HAWKINS_PPT._20090305.PDF

COMMISSION COMMENTS (if time available)

RECESS**RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****071066.****PLANNED DEVELOPMENT AMENDMENT - WALNUT CREEK PD PHASE II" (B)****Ordinance No. 0-08-14, Petition No. 83PDA-06PB**

An Ordinance of the City of Gainesville, Florida; amending Ordinance Nos. 991267 and 020948, by adopting a new Development Plan for the undeveloped portion of the property, as more specifically described in this ordinance, commonly known as "Walnut Creek Planned Development Phase II"; generally located in the vicinity of the 2500 block of Northwest 39th Avenue; adopting new development plan maps and a planned development report; adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request to re-establish the Planned Development ordinance for Walnut Creek Phase II, a residential subdivision consisting of 55 lots. Walnut Creek is a single-family residential subdivision, proposed to be developed in two phases. It is located in the 2500 Block, of NW 39th Avenue, south side and extends south to Northwest 31st Avenue (Glen Springs Road). It is bounded on the east by Palm Grove, which is a fully developed single-family residential development, consisting of 107 lots. To the west is Hidden Pines, a single-family residential development, consisting of 76 lots.

The subject property consists of approximately 30 acres. It was re-zoned to Planned Development for a single-family residential subdivision called Walnut Creek, Petition 44PDV-00, which was approved by the City Commission on October 9, 2000, by Ordinance 991267. The project included a total of 138 lots to be developed in two phases; the first phase with 73 lots and the second with 65 lots. The applicant received final plat approval for Phase 1 on May 22, 2003, and proceeded to develop 73 lots. After completion of Phase I, but prior

to accepting the infrastructure, the city discovered that the stormwater management system did not function as anticipated. The problems of Phase I had to be corrected prior to or during the implementation of Phase II. The designed solution is to incorporate the management of stormwater from Phase I into the new design for Phase II. The new design proposes 55 lots for Phase II, instead of the initial 65 lots proposed.

During the redesign and review process for Phase II, the Planned Development expired resulting in the need to request a re-establishment of the Planned Development for Phase II. The applicant filed a request to re-establish the expired Walnut Creek Planned Development, and to modify the PD layout plan. The main purpose of the modification is to accommodate a redesign of the entire stormwater system for the Walnut Creek Planned Development for public safety and welfare consistent with the Comprehensive Plan and Land Development Regulations.

The proposed modification resulted in the following changes in the Planned Development:

- a. A reduction in the number of lots proposed on Phase II from 65 to 55;*
- b. A change in the language requiring the collection of all surface water run-offs to be contained on site;*
- c. An increase in the size of the area devoted to stormwater;*
- d. A change in the location and size of common areas;*
- e. A change in the direction of the main roadway alignment as it approaches NW 31st Avenue;*
- f. A change in the number of trees to be removed; and*
- g. A change in the layout of lots on the south side, adjacent to Palm Grove Phase 2.*

Those changes are reflected in Exhibit "C" Development Plan Maps, attached to the proposed ordinance. For informational purposes, the previously approved Planned Development Layout Plan Map is attached to this memorandum as Attachment "I".

The City Plan Board conducted a public hearing on February 21, 2008 and considered the request to re-establish the Planned Development with design plat for Phase II of the Walnut Creek Subdivision. The Plan Board heard the petition and expressed concerns about tree preservation, the overall design of individual units, and the need to provide adequate separation from proposed utilities. By a vote of 3-2, the Plan Board approved the Planned Development request.

After the Plan Board hearing, staff worked with the applicant to address concerns raised by the Plan Board. The City Commission conducted a public hearing on April 14, 2008 approving the request to re-establish the Planned Development with conditions and authorized preparation of an ordinance for First Reading. The commission also approved the request for Phase II design plat, Petition 156SUB-06DB with conditions, subject to final adoption of the Planned Development ordinance. If the Planned Development Ordinance is adopted, the applicant will proceed to preparing Construction Drawings for

staff approval and then Final Plat for City Commission review.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of April 14, 2008 authorized the City Attorney's office to prepare and advertise the necessary ordinance amending the planned development known as "Walnut Creek Planned Development Phase II". If the ordinance is adopted at first reading, second and final reading will be held on March 19, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/14/08 City Commission Approved (Petition) with Staff Conditions, as Amended
(7 - 0)

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071066B_200804141300.pdf
071066_draft ordinance 20090305.pdf
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080435.

**CREATION OF "BI: BUSINESS INDUSTRIAL ZONING DISTRICT"
(B)**

Ordinance No. 0-08-86; Petition No. 104TCH-08 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville, by creating the "BI: Business Industrial zoning district;" reciting the purpose and objectives; specifying permitted uses; specifying dimensional requirements and additional requirements; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

While working with County staff to implement the business employment center concept of Plan East Gainesville for the Alachua County fairgrounds property, it was determined that a new land use category and zoning district were needed. In consultation with both the City and County Attorneys, it was concluded that the City should develop a land use category and zoning district that would allow a mixture of business and industrial-type uses that would be compatible with the airport hazard zone areas. Staff also felt that the new category and district would offer flexible zoning that could accommodate employment centers in other parts of the community. On October 16, 2008, the City Commission amended the Comprehensive Plan by adding a Business Industrial land use category.

This Ordinance No. 0-08-86 creates a new zoning district to implement the Business Industrial and Industrial land use categories. The intent of the "BI: Business Industrial district" is to provide compatible uses near and adjacent to the airport, and to provide a business employment center that allows a variety of uses where employees have access to goods and services without having to leave the business park environment. The district has been designed to accommodate some areas that are currently zoned "I-1: Limited Industrial District", without making existing businesses non-conforming to allow future business-park type uses that require a more organized and unified pattern of development.

The district will allow a variety of office, business/retail, research and development, and light industrial uses. The setbacks are designed to provide enough separation from the street for landscaping and to have the building front close enough for the area to be walkable.

In addition, with this district, staff is trying to be proactive and respond to some of the comments we have received from economic development professionals. The main comment has been that Gainesville does not have flexible zoning or enough land that will allow larger or expanding companies to locate here. This is the first step in attempting to address this concern.

Public notice was published in the Gainesville Sun on September 6, 2008, and the Plan Board held a public hearing on September 22, 2008, and, by a vote of 4-0, recommended the City Commission approve the Petition.

On November 6, 2008, the City Commission held a public hearing and, by a vote of 6-0, approved the Petition. After the Petition hearing by the City Commission, planning staff realized that four uses currently allowed in the I-1 and I-2 Industrial Zoning districts were inadvertently omitted from the Petition. Those uses have been included as uses by right in this Ordinance and are as follows:

*IN 0752 Animal Specialty Services
GN 076 Farm Labor and Management Services
MG 41 Local and Suburban Transit and Interurban Highway
Passenger Transportation
MG 42 Motor Freight Transportation and Warehousing
MG 27 Printing, Publishing and Allied Industries, excluding Gravure
(IN 2754)*

In addition, given the other assembly uses allowed by right, Places of Religious Assembly and Membership Organizations (MG-86) have been added as uses by right in this ordinance.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, March 19, 2009.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

11/6/08 City Commission Approved (Petition) (6 - 0 - 1 Absent)

080435_petition_20081106.pdf

080435_Business Ind Zoning Dist_20090305.pdf

080284.**TOWING AND IMMOBILIZATION (BOOTING) OF MOTOR VEHICLES ORDINANCE (B)****Ordinance No. 0-08-72**

An ordinance of the City of Gainesville amending Chapter 14.5, Article III of the Gainesville Code of Ordinances relating to towing and authorizing the immobilization of motor vehicles on private property; amending §14-25 by adding definitions; creating a new division 2 of Article III consisting of §14.5-39 through §14.5-45 related to immobilization of vehicles on private property; providing for immobilization; providing exemptions; providing definitions; setting prerequisites for immobilization; setting criteria for permits; requiring authorization of the real property owner; providing for record keeping; requiring visible identification; requiring operator permits and establishing specifications for the permit; setting criteria for immobilization and removal of the immobilization device; requiring signage and setting signage requirements; setting the maximum immobilization charge and setting permit fees; requiring acceptance of various forms of payment; requiring receipts and specifying required information on the receipt; providing for permit revocation; providing for appeal; providing for civil citations; providing a repealing clause and providing an immediate effective date.

Explanation: PUBLIC SAFETY COMMITTEE REPORT

At the City Commission meeting of October 16, 2008, the Public Safety Committee had recommended to the Commission certain amendments to the roam towing ordinance, allowing tow companies to boot vehicles on private property, but charge only one fee. The City Commission referred the matter back to the Public Safety Committee to: (1) work out the parameters regarding cost; (2) work out the process in general, including drafting an ordinance, and (3) bring the matter back to the City Commission. The Public Safety Committee continued its review of the proposed amendment at its December 15, 2008, and incorporated changes requested by the City Commission.

The City Commission, at its January 15, 2009 meeting, authorized the City Attorney to draft and the Clerk of the Commission to an ordinance allowing tow companies to boot vehicles on private property.

CITY ATTORNEY MEMORANDUM

This proposed ordinance authorizes the immobilization of motor vehicles on private property by immobilization service companies who must obtain a permit from the City. The ordinance generally mirrors the roam towing process, in that it provides for posting of signs, requires employees engaged in

immobilization to obtain permits, requires insurance, and subjects violations of this ordinance to a \$125 civil citation. Warning stickers are required to be placed on the immobilized vehicles, and the fee for the removal of the immobilization device (or a boot) is set at \$60. The ordinance, if adopted, would go into effect immediately upon adoption.

Upon review of this chapter, the City Attorney's Office also made clarifications and revisions to the Roam Towing division to make these sections consistent with current practice and consistent with each other.

This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on March 19, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/11/08	City Commission	Referred (7 - 0)	Public Safety Committee
10/16/08	City Commission	Referred (7 - 0)	Public Safety Committee
10/28/08	Public Safety Committee	Continued	
12/15/08	Public Safety Committee	Approved as Recommended	
1/15/09	City Commission	Approved as Recommended (5 - 0 - 2 Absent)	

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080284_PeerCitiesHist_20080924.pdf

080284_CurrentInfoLtr_20080924.pdf

080284a_TampaOrd_20081016.pdf

080284b_NoMiamiOrd_20081016.pdf

080284c_OrlandoOrd_20081016.pdf

080284_BootingEmail_20081028.pdf

080284_BootingOrdDraft_20082808.pdf

080284_BootingDraftOrd2_20081215.pdf

080284_BootingOrdSum_20081215.pdf

080284_BootingDraftOrd3_20090115.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

RESOLUTIONS- ROLL CALL REQUIRED

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)