

City of Gainesville

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



Meeting Agenda

August 19, 2010

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Lauren Poe (District 2)

Commissioner Jack Donovan (District 3)

Commissioner Randy Wells (District 4)

Commissioner Thomas Hawkins (At Large)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone

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

090581.

Amendment to Government Services Group Contract (NB)

This item requests authorization for the City Manager to expend additional funds to cover the costs of mailing the first class notices to property owners required for the fire assessment project.

Explanation: On December 17, 2009, the City Commission authorized the expenditure of up to \$65,000 for consultant services for the special assessment for fire services project and appropriated up to \$85,000 from the general fund fund balance to cover project costs. Phase one costs were projected to be \$35,000 and phase two costs \$20,000 for a total of \$55,000 leaving \$30,000 to cover the costs of mailing the statutorily required notices to property owners of the proposed assessment rate and notice of public hearing. The average cost per notice, which included the additional cost of inserting an informational handout from the city, was approximately \$1.30 for over 37,000 notices. The mailing costs were finalized by the consultant, Government Services Group, at \$44,928.16. This leaves an uncovered balance of \$14,928.16.

Fiscal Note: The additional payment of \$14,928.16 will come from the general fund fund balance.

RECOMMENDATION

The City Commission: 1) appropriate an additional amount of \$14,928.16 from the general fund fund balance for the fire assessment project; and 2) authorize the City Manager to expend total funds for the fire assessment project in the amount of \$55,000 to

Government Services Group for consultant services, and \$44,928.16 to Government Services Group to cover the costs of mailing the required first class notices.

Legislative History

12/17/09 City Commission Approved as Amended (6 - 0 - 1 Absent)

5/24/10 City Commission Heard

090581_Power Point_20091217.PDF

090581A_Assessment Memorandum_20100524.pdf

090581B_GSG PPT_20100524.pdf

090581C_STAFF PPT_20100524.pdf

100125.

Contract for Departmental Medical Director Services for the Gainesville Fire Rescue Department (B)

This item requests approval to renew the "Agreement Between the City of Gainesville and the University of Florida for Assistant Medical Director" for a three-year period to meet statutory requirements for the provision of advanced life support services by Gainesville Fire Rescue.

Explanation: The City of Gainesville was granted a Certificate of Public Convenience and Necessity by Alachua County to provide advanced life support services, an important improvement in the level of medical care provided by Gainesville Fire Rescue companies. The Fire Rescue Department has successfully provided advanced life support (ALS) emergency medical services since January 1990. Florida State Statute 401.265 Medical directors-- requires each advanced life support service provider to employ or contract with a medical director. The original Agreement for Medical Director Services Between the City of Gainesville and the University of Florida went into effect September 1989. The Agreement provides the City with medical direction for emergency medical services through the appointment of a Medical Director. The Medical Director performs responsibilities pertaining to medical consultation and supervision of paramedics, emergency medical technicians, and chief officers of Gainesville Fire Rescue. The City Medical Director may be requested to fulfill the role of Assistant Medical Director for the County-Wide EMS System as has been the standard expectation since inception of this original agreement. A minimum of 16 hours per month is dedicated to medical direction related activities for the City's emergency medical program as outlined in the Agreement. The Agreement provides for cancellation by either party without cause with 60-days notice.

Fiscal Note: Funding for the three-year contract renewal in the amount of \$19,500 annually for a total of \$58,500 will be included in the department's Professional Services budget.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute the contract with the University of Florida for the benefit of the Department of Anesthesiology, College of Medicine to provide a Departmental Medical Director for the period of September 1, 2010

through August 31, 2013, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to the University of Florida, Contracts and Grants for Departmental Medical Director services not to exceed \$58,500 for the period of September 1, 2010 through August 31, 2013.

100125_Agreement_20100819.pdf

100194.

Design and Construction of the One Stop Homeless Assistance Center (B)

This is a request for the City Commission to approve staff's recommended ranking of the Design Build firms for the Design and Construction of the One Stop Homeless Assistance Center.

Explanation: The One Stop Homeless Assistance Center (Center) is a major goal within the GRACE Market Place Ten Year Plan to End Homelessness. The City of Gainesville and the Alachua County Board of County Commissioners have committed to provide technical and financial resources to end homelessness in the City of Gainesville and Alachua County.

On April 1, 2010, the City began a major step in the fulfillment of this goal by releasing a Request for Proposal (RFP) to hire a qualified Design Build Firm to plan, design and construct the Center which will be built on the site located at the 800 Block of NW 53rd Avenue. A Pre Bid Proposal Conference was held April 15, 2010, and the City's Purchasing Division received four (4) responsive proposals from design/build partnerships for the design and construction of the Center on May 6, 2010. An evaluation team consisting of City and County staff evaluated the qualifications and proposals of the firms, and is recommending the following ranking of the firms:

- 1) Charles Perry Construction, Inc.*
- 2) M.M. Parrish Construction, Inc.*
- 2) Scherer Construction of North Florida, LLC*
- 4) Joyner Construction, Inc.*

If a contract cannot be negotiated with the first firm, the City will exercise a tie breaker pursuant to Financial Services Procedures #41-530, and then negotiation will continue down the list in the ranked order until a contract is negotiated and can be executed.

In negotiating a contract with a firm, the City will disclose that there are several prerequisite steps in the process that must be completed before construction can start, e.g., the land use change, the plat process, and site plan approval, as well as the acquisition of the property. Included with the RFP was a sample contract which is a two part contract. First part: The Design Build Firm will provide the Basic Design and Pre-Construction Services. Second, at

the time all of the prerequisite steps have been completed, the City will enter into the second part of the agreement with either the Design Build contractor or, as the contract states if an agreement cannot be reached on price and terms, with another contractor. The City further discloses that it is likely that administrative appeals or legal challenges will be filed challenging the issuance of development orders and permits, and thus the timelines will be out of the City's control, and cannot be determined for certain at this time. The Design Build Contractor and Construction Contractor shall not be entitled to, and hereby waive any monetary claims for or damages arising from or related to, lost profits, lost business opportunities, unabsorbed overhead or any indirect consequential damages.

Fiscal Note: The City of Gainesville has identified funding for this project through a variety of sources including the City General Funds, Community Development Block Grant Funds, GRU Connect Free Program Funds, and Capital Improvement Revenue Bonds.

RECOMMENDATION

The City Commission: 1) approve staff's recommended ranking of the Design Build Firms; and 2) authorize the City Manager to negotiate and execute a contract and any related documents, subject to approval from the City Attorney as to form and legality, for the Design and Construction of the One Stop Homeless Assistance Center.

Legislative History

8/5/10 City Commission Continued

100194_Bid Tab_20100805.pdf

100194_Bid Tab_20100819.pdf

100212.

2005/2009 Special Appropriations Project (SPAP) Grant Application for Depot Park (NB)

This item is a request for the City Commission to authorize the City Manager to file a funding application with the Environmental Protection Agency (EPA) for the Depot Park Project.

Explanation: The City of Gainesville (City) wishes to apply for an EPA Special Appropriations Project (SPAP) Grant. The project is eligible and the funding, if received, will offset local funding anticipated for the project. The project is intended to make stormwater improvements within Depot Park. The following Special Appropriations for stormwater improvements in the amounts of \$192K (FY05) and \$300K (FY09) have been identified for the project.

Fiscal Note: If awarded, this cost share grant will require a 45% match provided by the City in an estimated amount of \$222,000 depending upon eligibility. The Stormwater Management Utility Fund (SMUF) will be utilized as the funding source for the City's cost share.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to make application with EPA for the SPAP Grant;

and 2) if the grant is offered, authorize the City Manager to execute all related documents, subject to approval by the City Attorney as to form and legality.

100213.**Alachua County Courthouse Connector Project Construction Contract (B)**

This item is a request to authorize the City Manager to approve the construction contract from J.B. Coxwell Contracting, Inc. for the Alachua County Courthouse Connector Project.

Explanation: This project proposes a storm sewer connection from the section of SW 3rd Avenue from SW 2nd Street to South Main Street to allow the runoff from the watershed that includes the Alachua County Courthouse to discharge to the Depot Park Stormwater Pond facilities. This connection was not allowed by the Florida Department of Transportation (FDOT) when the Courthouse was originally constructed due to a lack of capacity in the existing storm system along Main Street. The Courthouse was temporarily permitted to discharge to the SW 5th Avenue Stormwater Park. Now that the Main Street system is being upgraded the connection has been approved for construction.

Public Works staff is requesting to utilize J.B. Coxwell Contracting, Inc., as a specified source for the Alachua County Courthouse Connector Project. They are currently reconstructing Main Street for FDOT. Utilizing the same contractor will allow the work to be more easily coordinated with that project, and work will be completed faster and more economically since the contractor is already mobilized in the area and has proposed to complete the work without adding time to the Main Street reconstruction work.

Staff has reviewed the cost proposal from J.B. Coxwell Contracting, Inc., and has found it to be reasonable and in-line with unit prices obtained through recently competitively bid projects.

Fiscal Note: Funding in the amount of \$114,500.25 plus a 15% contingency amount for a total of \$131,675.28 is allocated from the Stormwater Management Utility Fund.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to approve the sole source construction proposal from J.B. Coxwell Contracting, Inc. for the Alachua County Courthouse Connector Project; 2) execute the construction contract and related documents, subject to approval by the City Attorney as to form and legality; and 3) issue a purchase order in an amount not to exceed \$131,675.28.

100213_SourceSelection_20100819.pdf

100214.**State Homeland Security Grant Program Sub-recipient Agreement (NB)**

This item requests that the City Commission authorize the City Manager to enter into a contract with the State of Florida, Department of Financial Services, to support equipment maintenance and training for Gainesville Fire Rescue's Hazardous Materials and Technical Rescue Teams.

Explanation: Gainesville Fire Rescue's (GFR) Hazardous Materials Team has regional responsibilities for eleven counties and is classified as a State Type II Team providing a response capability of 15 personnel with testing equipment for unknown chemical incidents within one hour. Through prior agreement, GFR was designated as one of 29 teams to provide a statewide response network to hazardous materials emergencies. Funding for maintenance of previously supplied equipment and responder training to support this capability is supplemented through a variety of homeland security and emergency services grants; one of these is the State Homeland Security Grant Program (SHSGP) offered through the Department of Financial Services. Reimbursement funding offered by the State of Florida for the agreement period ending April 30, 2012 includes up to \$44,945 for sustainment and maintenance of equipment and up to \$34,600 for training in approved courses for both hazmat and technical rescue operations. The funds are provided through a Subgrant Agreement between the Department of Financial Services and the Division of Emergency Services. Stringent requirements for training certifications and the frequent calibration of sensitive chemical and biological substance detection equipment justify the application of these subgrant funds.

Fiscal Note: The City will receive up to \$79,545. There is no match required.

RECOMMENDATION

The City Commission authorize the City Manager or designee to enter into a contract with the State of Florida, Department of Financial Services, subject to approval of the City Attorney as to form and legality.

Alternative Recommendation A: The City not enter into a contract resulting in a loss of up to \$79,545 of available reimbursement funds for equipment maintenance and training and requiring expenditures from the general fund.

100222.

Ratification of Agreement to amend North Central Florida Police Benevolent Association, Inc. Labor Agreement for October 1, 2008 through September 30, 2011 (B)

This item proposes the ratification of the amended Agreement between North Central Florida Police Benevolent Association, Inc. and the City of Gainesville.

Explanation: This Agreement has been reached through negotiations between North Central Florida Police Benevolent Association, Inc. and the City of Gainesville, and was ratified by North Central Florida Police Benevolent Association, Inc. on

July 22, 2010.

A copy of the amended Article is on file in the Office of the Clerk of the Commission. After August 19, 2010, the Article will be on file in the Human Resources Department.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission ratify the amended Agreement between North Central Florida Police Benevolent Association, Inc. and the City of Gainesville for October 1, 2008 through September 30, 2011.

100222_Amended Agreement_20100819.PDF

100237.

Interlocal Agreement with the School Board of Alachua County (B)

This item involves an agreement with the School Board of Alachua County to assume operational duties of the Teen Zone After-School Program at Westwood Middle School.

Explanation: In January, 2005, the City Commission authorized the City to enter into an Interlocal Agreement with the School Board of Alachua County to use School Board middle school facilities to operate the Teen Zone After-School Programs. This agreement has been renewed over the past few years but has now expired. The City and School Board desire to enter into a new agreement that would allow the School Board's Extended Day Enrichment Program (EDEP) to assume operational control of the Teen Zone program located at Westwood Middle School. The new Interlocal Agreement details the terms and conditions of this partnership.

Fiscal Note: The City will provide funding in the amount of \$75,000 per year to the School Board to operate the Teen Zone After-School Program. This agreement will result in an administrative cost savings to the City of \$9,450.

.Recommendation

The City Commission: 1) authorize the City Manager or designee to negotiate all documents and contracts relating to the Interlocal Agreement with the School Board of Alachua County regarding the use of school facilities for the Teen Zone After-School programs; and 2) authorize the City Manager or designee to execute all documents and contracts relating to the programs, subject to approval by the City Attorney as to form and legality.

Alternate Recommendation A: The City Commission decline to enter into the Interlocal Agreement.

100237_Agreement_20100819.pdf

100238.

Request for Qualifications for Architectural and Engineering Services for Wild Spaces, Public Places (WSPP) Projects (B)

This item involves a request for the City Commission to approve staff's ranking of Architectural and Engineering firms for development of the approved WSPP Alfred A. Ring Park project.

Explanation: On March 30, 2009, the City Purchasing Division received nineteen (19) proposals from Architectural and Engineering firms for the design and construction oversight for the WSPP projects. Fourteen (14) firms were selected to provide these services; of which nine (9) are Gainesville firms and four (4) are a part of the City's Small Business Procurement Program.

On September 17, 2009, the City Commission approved funding for Wild Spaces, Public Places capital projects, including the Alfred A. Ring Park project with board walk replacement and other general park improvements.

Parks Recreation and Cultural Affairs (PRCA) staff has evaluated the qualifications of the firms not currently working on WSPP projects and is recommending ranking of the following firms. The top three ranked firms are: 1) Cubillis Architects, now known as Manuel Synalovski; 2) Bellomo Herbert & Company; 3) IBI Group.

Fiscal Note: Funds in the amount of \$469,000 are available through the Wild Spaces Public Places Capital Improvement Projects One-Half Percent Infrastructure Sales Surtax.

RECOMMENDATION

The City Commission: 1) approve staff's recommended ranking of the firms; and 2) authorize the City Manager or designee to negotiate and execute a contract and any related documents, subject to approval from the City Attorney as to form and legality, for design and construction oversight of the Alfred A. Ring Park development.

100238_RFQ Ranking_20100819.pdf

100239.

Morningside Nature Center Pavilion Public Art (B)

This item involves a request by the Art in Public Places Trust to designate an artist to create public art for the Morningside Nature Center Pavilion.

Explanation: In 1989, the City of Gainesville adopted a per cent for art ordinance (per Chapter 5.5 of the Gainesville Code of Ordinances) that states, "each appropriation for the original construction or major renovation of a city building where public employees work on a regular basis or that the general public uses shall include an amount of at least one percent of the total construction budget for the art in public places trust."

The mission of the Art in Public Places Trust is to enhance the quality of the visual environment in the Gainesville community, both natural and built; and doing so, add to the quality of life and raise the level of citizen awareness of the importance of aesthetic experiences in their everyday lives. The Art in Public

Places Trust Advisory Board, including the Morningside Nature Center's Program Coordinator and Habitat Naturalist, issued a Call for Artists to select the public artist for the Morningside Nature Center Pavilion that would reflect the mission of the site. Suggested areas of artwork included a weather vane, two panels on the south wall, or a work installed over brushed concrete flooring.

The Pavilion/Open Air Classroom is a central feature of the educational opportunities of the Nature Operations Division. Ultimately, the design will result in an artistic outdoor area that is accessible and increases the aesthetic value of the site.

On July 7, 2010, the City of Gainesville Morningside Nature Center Pavilion Art in Public Places Trust, interviewed and listened to presentations by the three artists who submitted proposals: Barbara Maness, Pete Davidson and Erin Curry. The Trust selected artist Pete Davidson for the commission for his design of an old farm weather vane and bird sculpture that would be made from post-consumer recycled materials. Erin Curry was ranked second and Barbara Maness was ranked third.

Fiscal Note: \$1,165 was the budgeted amount for Morningside Nature Center. \$165 was transferred to the Administration budget. \$1,000 is the total art project budget designated and advertised for the commission.

RECOMMENDATION *The City Commission approve the designation of artist Peter Davidson to create public artwork for the Morningside Nature Center Pavilion.*

100239_Ltr of Interest_20100819.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

100252. Contract Amendment for Herbicides (NB)

Staff recommends extending the term of the contract for herbicides with Helena Chemical Company.

Explanation: The City Commission approved a three-year contract with Helena Chemical Company on August 27, 2007. The contract provides for a three-year extension of the contract upon mutual agreement of the parties and negotiation of the contract prices.

The Energy Delivery Department uses 25 different herbicides to control vegetation within utility rights-of-way, substations, power plants, and other properties as may be required. The selective use of herbicides complements the department's manual removal efforts. The program, while aggressive on undesirable vegetation, is sensitive to environmental and wildlife concerns.

Helena Chemical Company has been responsive in meeting the City's requirements for herbicides. The initial three-year term of the contract provided for annual price adjustments based on market conditions. Prices were amended in 2008 to accommodate a 6.4% increase in manufacturing costs. For

FY 2011, Helena will maintain the same pricing for 17 products while reducing the cost of 8 products 19 - 23%.

Fiscal Note: Funds for these purchases have been included in the proposed Operation and Maintenance portion of Energy Delivery's budget for FY 2011 and will be requested in subsequent year's budgets. Historically, the annual budget for this contract is approximately \$50,000. With the reduced pricing, the estimated cost of this contract is \$40,000 per each year of the extension.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to execute an amendment to extend the contract with Helena Chemical Company for herbicides for Energy Delivery for an additional three-year period; and 2) approve the issuance of purchase orders in amounts not to exceed budgeted amounts, subject to the final appropriation of funds for each year of the contract.

100253.

Energy Efficiency Recommendations of the Community Development Committee (CDC) (NB)

On November 16th, 2009, the CDC heard recommendations from staff on Energy Efficiency Standards and Requirements and results of landlord focus groups. The CDC agreed with a number of recommendations that would assist apartment complexes and rental units with energy efficiency, but is retaining in committee the item "R19 Attic Insulation as a Standard of the Minimum Housing Code."

Explanation: On January 28th, 2008, the CDC recommended to the City Commission that attic insulation of R19 be included as a requirement of the Minimum Housing Code. This recommendation was not approved by the City Commission at that time, but instead was referred back to the CDC for further discussion. Although the minimum insulation standard is still being discussed in committee, a number of other recommendations that focused on customer education were approved by the CDC and are being implemented by staff. These recommendations include:

- 1. Create awareness and demand from the tenant for energy efficiency through education*
- 2. Drive awareness of energy efficiency by showing the energy usage of rental properties as compared to others (contract initiated with Gainesville Green to be completed in the fall of this year).*
- 3. Educate apartment complex facility managers on rebates and efficiency*
- 4. Create a section on the GRU website for tenants and landlords to include:*
 - A) Conservation program eligibility*
 - B) Clarify the availability and steps necessary for multi-family units to obtain a customized business rebate*
 - C) Multi-family energy intensity information to be located on Gainesville Green (contract with Gainesville Green)*

- D) Recognize properties that have been recently upgraded for energy efficiency (contract with Gainesville Green)*
- 5. Complete bill re-design that will provide more useful information on usage - GRU is redesigning its bills to include more rate and consumption information to help customers better manage their usage*
- 6. Continue Home Energy Reports (40,000 mailed in May)*

Fiscal Note: Funds for these recommendations are included in the FY10 O&M budget and the proposed FY11 O&M budget.

RECOMMENDATION

The City Commission endorse the CDC recommendations.

CITY ATTORNEY, CONSENT AGENDA ITEMS

100235.

TAYLOR PARKER VS. THE CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION, AND OFFICER DAVID REVEILLE, IN HIS INDIVIDUAL CAPACITY, COURT CASE NO. 1:10-CV-00146 (B)

Explanation: On August 1, 2010, the Gainesville Police Department was served with a Summons and Complaint. The Plaintiff alleges that she is a victim of false arrest, wrongful imprisonment, and malicious conduct which occurred in 2007. She claims to have sustained economic injuries, pain and suffering, embarrassment, humiliation and loss of the capacity for the enjoyment of life. Plaintiff is seeking compensatory damages, punitive damages, and attorney's fees and costs.

RECOMMENDATION

The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the City of Gainesville in the case Taylor Parker vs. the City of Gainesville, Florida, a municipal corporation, and Officer David Reveille, in his individual capacity, Court Case No. 1:10-CV-00146

100235_Taylor Parker_20100819.pdf

100240.

FRATERNAL ORDER OF POLICE, GATOR LODGE 67 V. CITY OF GAINESVILLE, FLORIDA, CASE NUMBER: 2010-CA-4182, DIV. K (B)

Explanation: On August 2, 2010, the City of Gainesville was served with a Summons and Complaint filed by the Fraternal Order of Police, Gator Lodge 67 for declaratory relief. The FOP alleges the City refused to convene a Compliance Review Panel and violated the Law Enforcement Officer's Bill of Rights while conducting two IA investigations. The FOP requests the Court declare that the Gainesville Police Department must convene a Compliance Review Panel to review its actions in IA investigations.

RECOMMENDATION

The City Commission authorize the City Attorney's Office to represent the City of Gainesville in Fraternal Order of Police, Gator Lodge 67 v. City of Gainesville, Florida, Case Number: 2010-CA-4182.

100240_Fraternal Order Police_20100819.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**100272.****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of June, 21, 2010; June 22, 2010; July 13, 2010; July 20, 2010; July 15, 2010; July 22, 2010; July 26, 2010; and August 5, 2010; as circulated.

100272_spec_june 21, 2010_20100819.pdf

100272_spec_july 13, 2010_20100819.pdf

100272_spec_july 20, 2010_20100819.pdf

100272_spec_july 22, 2010_20100819.pdf

100272_reg_july 15, 2010_20100819.pdf

100272_spec_July 26, 2010_20100819.pdf

100272_reg_august 5, 2010_20100819.pdf

100272_spec_june22, 2010_20100819.pdf

100273.**School Board Joint Meeting (NB)****RECOMMENDATION**

The City Commission schedule a joint meeting with the Alachua County School Board on October 4, 2010 at 1:00 PM.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC SAFETY COMMITTEE, CONSENT****091038.****Towing Company Ordinance Prohibiting Employment of Persons With A Previous Domestic Violence Charge (NB)**

Explanation: Commissioner Henry brought this item forward at the May 6, 2010 City Commission Meeting and referred it to the Public Safety Committee.

The Public Safety Committee discussed the referral at its June and July

committee meetings. City staff researched other cities in the State and the Committee determined to recommend a change in the Rotation Towing Ordinance to incorporate the calculation of felony offenses prohibition from towing for ten years from the date of conviction to on or about the date of the offense. This language change would also need to be incorporated in the Vehicle for Hire Ordinance and Roam Towing Ordinance for consistency in the driver permits.

Fiscal Note: None

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise the amendments to the Rotation Towing Ordinance, Roam Towing Ordinance, and the Vehicle For Hire Ordinance to incorporate the changes proposed by the Public Safety Committee.

Legislative History

5/6/10	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
6/16/10	Public Safety Committee	Discussed	
7/27/10	Public Safety Committee	Discussed	

091038a_DriverInfo_20100616.pdf
 091038b_DriverApplGuidelines_20100616.pdf
 091038c_GPD TowRules_20100616.pdf
 091038a_FSSCoOrg_20100727.pdf
 091038b_FSSMunic_20100727.pdf
 091038c_FSSFHPPenalties_20100727.pdf
 091038d_FHPWreckerPol_20100727.pdf
 091038e_FHPTowRates_20100727.pdf
 091038f_FHPWreckerQual_20100727.pdf
 091038g_FHPComplaintForm_20100727.pdf
 091038h_RotationList_20100727.pdf
 091038i_FHPWreckerInspForm_20100727.pdf
 091038j_TallTowOrd_20100727.pdf
 091038k_TrotterLetter_20100727.pdf

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

100253.

Energy Efficiency Recommendations of the Community Development Committee (CDC) (NB)

On November 16th, 2009, the CDC heard recommendations from staff on Energy Efficiency Standards and Requirements and results of landlord focus groups. The CDC agreed with a number of recommendations that would assist apartment complexes and rental units with energy efficiency, but is retaining in committee the item "R19 Attic Insulation as a Standard of the Minimum Housing Code."

Explanation: On January 28th, 2008, the CDC recommended to the City Commission that attic insulation of R19 be included as a requirement of the Minimum Housing Code. This recommendation was not approved by the City Commission at that time, but instead was referred back to the CDC for further discussion. Although the minimum insulation standard is still being discussed in committee, a number of other recommendations that focused on customer education were approved by the CDC and are being implemented by staff. These recommendations include:

- 1. Create awareness and demand from the tenant for energy efficiency through education*
- 2. Drive awareness of energy efficiency by showing the energy usage of rental properties as compared to others (contract initiated with Gainesville Green to be completed in the fall of this year).*
- 3. Educate apartment complex facility managers on rebates and efficiency*
- 4. Create a section on the GRU website for tenants and landlords to include:
A) Conservation program eligibility
B) Clarify the availability and steps necessary for multi-family units to obtain a customized business rebate
C) Multi-family energy intensity information to be located on Gainesville Green (contract with Gainesville Green)
D) Recognize properties that have been recently upgraded for energy efficiency (contract with Gainesville Green)*
- 5. Complete bill re-design that will provide more useful information on usage - GRU is redesigning its bills to include more rate and consumption information to help customers better manage their usage*
- 6. Continue Home Energy Reports (40,000 mailed in May)*

Fiscal Note: Funds for these recommendations are included in the FY10 O&M budget and the proposed FY11 O&M budget.

RECOMMENDATION

The City Commission endorse the CDC recommendations.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

100251.

City Commission Referral Status Update (B)

RECOMMENDATION

The City Commission review the referral status reports submitted by staff and take appropriate action.

100251_referral status_20100819.pdf

100266.**Appoint District III Seat (B)****RECOMMENDATION**

The City Commission discuss the appointment process for District III seat.

100266_appointment_20100819.pdf

CITY MANAGER**091059.****60% Design Approval of the Alachua County/City of Gainesville Senior Recreation Center (B)**

This is a request for the City Commission to approve the 60% design of the Alachua County/City of Gainesville Senior Recreation Center within Northside Park located at 5701 NW 34th Street, Gainesville, FL 32653.

Explanation: On February 18, 2010 the City entered into an agreement with WG Mills for the Design Build of the Alachua County/City of Gainesville Senior Recreation Center. The approximate 17,000 sf recreation center will be located within the existing Northside Park off of NW 34th Street close to the intersection of US 441. The center will be built to meet 120 MPH wind speeds, able to be used as a shelter, and achieve a USGBC LEED "Silver" level certification. The building will accommodate staff from ElderCare of Alachua County who will oversee the programming and operations of the facility. The building will also include a large multi purpose room, a fitness area, several classroom style rooms, a library, a billiards room, and various other multi use areas to promote socialization and recreation for seniors in the community. Per Administrative Procedure No. 22A, the 60% design is being presented to the City Commission for approval.

Since this item came to the City Commission on the June 3, 2010 meeting agenda, the design team has met with Regional Transit System and Florida Department of Transportation to resolve the outstanding items with the secondary entrance and the location of a bus shelter. In addition, the Development Review Board granted approval of the site plan at the July 8, 2010 meeting.

The design team members will discuss the resolution to the items that were outstanding at the last City Commission meeting.

Fiscal Note: This agenda item has no fiscal impact unless the City Commission recommends changes to the site plan or building design. Funding for the project is through a State of Florida Grant with Elder Affairs, and City and County Wild Spaces Public Places funding.

RECOMMENDATION

The City Commission: 1) hear presentation; 2) approve the 60% design; 3) instruct the architect to continue working on construction drawings; and 4) waive the 100% construction document presentation to the City Commission.

Alternative Recommendation A: The City Commission approve the 60% design with suggestions.

Legislative History

6/3/10 City Commission Approved as shown above (See Motion) (7 - 0)

091059_Senior Rec PPT_20100603.pdf

091059_MOD Senior Rec PPT_20100603.pdf

091059_Senior Center PPT_20100819.pdf

100233.**Proposed Enhancement to Facilitate Gainesville Regional Airport Economic Development Opportunities (B)**

Planning staff recently met with the Airport CEO and agent to discuss enhancing economic development opportunities at the Gainesville Regional Airport and suggested sharing this information with the City Commission.

Explanation: Recently, the Gainesville-Alachua County Regional Airport Authority directed Eng, Denman & Associates to prepare a Master Planning Report that examined the existing site conditions and future development potential of properties associated with the Gainesville Regional Airport. It is the intent of the Airport to utilize this information to help place itself in a more strategic position to attract compatible private business / development activity on these properties in order to generate additional revenue, thus ensuring that the airport will continue to operate as an independently funded facility.

The properties associated with the airport consist of approximately 1,900 acres and 29 tax parcels and the overall boundary of the airport properties is identified on back-up Figure 1. The report analyzed existing conditions (environmental, infrastructure, etc.), airport regulations (height restrictions, noise contours, etc.) and the existing land use and zoning patterns to determine the overall future development potential for various properties associated with the airport. A set of recommendations were included which provide strategies to accomplish these economic development initiatives.

On June 30, 2010, the Airport Authority voted to authorize the CEO to proceed in preparing the following planning proposals (these are summarized in the Commission back-up PPT slides):

- *Change future land use and zoning of tax parcel 'Z' from Conservation to Business Industrial (48 acres).*
- *Change future land use and zoning of tax parcels 'A' & 'B' from Industrial and I-2 to Business Industrial (15 acres).*
- *Change future land use and zoning of parcels 'D'-'I' from Industrial and I-2*

to Public Facilities and Airport Facilities (19 acres).

- Amend the AF zoning code to include electric generation facilities and light manufacturing as permitted uses.
- Amend the AF zoning code to increase amount of "revenue support" uses, including office, retail, service, industrial, etc.

Staff had preliminary discussions regarding the proposed recommendations and strategies with the Airport CEO and agent and believes that they do present an opportunity to help enhance the Airport's status as an economic development engine for the community. This economic development policy direction regarding the Gainesville Regional Airport has generally been supported by the City Commission overall in light of Plan East Gainesville and various implementing activities over time.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff and the Airport's agent and CEO; and 2) direct staff to initiate a Petition to the Plan Board reflecting the Airport's proposal.

100233A_Airport LU & Zoning ppt_20100819.pdf

100233B_Airport Map_20100819.pdf

100232.

Progress Report on Comprehensive Plan Evaluation and Appraisal Report (B)

Explanation: The purpose of this item is to provide the City Commission and the public with a brief update on the progress of the Evaluation and Appraisal Report (EAR) of the Comprehensive Plan. The Plan Board reviewed the Public Schools Facilities Element on May 27, 2010 and the Potable Water & Wastewater, Solid Waste, and Housing Elements on June 30, 2010.

Staff finds that the goals, objectives and policies of these four elements have substantially been met.

Review of the Public Schools Facilities Element finds that the requirement to annually update the Capital Improvements Element to include the School Board's annually adopted 5-Year District Facilities work program needs to be changed to incorporate the updated work program by reference.

Review of the Potable Water & Wastewater Element finds that new policies are needed to address: water supply level of service (LOS); inclusion of alternative water supply projects within 18 months of adoption by the water management districts; and additional new water conservation techniques/requirements. The Plan Board recommended inclusion of policies about the following: how the City itself will conserve water; additional irrigation restrictions; and setting the potable water LOS standard based on attainment of reduced water usage per capita.

Review of the Solid Waste Element indicates that Objective 1.1 needs to be

revised to match the waste diversion target rate of 75 percent established by the State of Florida. Element review also shows that policy revision is recommended to require that 98 percent rather than 60 percent of multi-family residential and commercial properties participate in a recycling program.

Review of the Housing Element shows that new policies are needed: to address affordable housing incentives near transportation hubs, major employment centers, and mixed-use developments; to encourage energy-efficient upgrades in affordable housing, particularly for rental units; and to address energy-efficiency standards in the design and construction of new housing. Policy updates and deletions are needed with respect to livability of neighborhoods, and allowance of accessory dwelling units in single-family land use areas. The City Plan Board at its June 30, 2010 EAR workshop expressed an interest in allowing accessory dwelling units in single-family areas.

Fiscal Note: None

RECOMMENDATION

Staff to City Commission - the Commission hear a presentation by Planning staff on the draft EAR Report chapters on the following Elements: Public Schools Facilities; Potable Water & Wastewater; Solid Waste; and Housing.

100232_public schools facilities element_20100819.pdf

100232A_potable water & wastewater element_20100819.pdf

100232B_solid waste element_20100819.pdf

100232C_housing element_20100819.pdf

100232D_staff ppt_20100819.PDF

GENERAL MANAGER FOR UTILITIES

100274.

Update on Staff Policy Recommendations for 2010 Solar Feed In Tariff (FIT) Program (B)

The Commission received a presentation on changes to the Solar Feed In program on July 1, 2010. Following the presentation, there was a request from the Commission to consider FIT program policy changes to better accommodate smaller-sized and residential solar systems. There was an additional request from local solar industry representatives to consider policies that would help them maintain an even workflow throughout the year.

Explanation: An important change to the FIT program for 2010 includes the addition of a third class of FIT systems that represents systems less than 10 kW in capacity, typical of residential and small commercial systems. The energy payment will remain at 0.32 \$/kWh for this class in 2011 in an effort to encourage more small-scale distributed solar development.

One concern raised by local solar installers has been the potential of uneven work flow that can arise in programs that have defined time windows. It is detrimental to their ability to maintain a viable business if work flows

intermittently due to policy decisions which set deadlines on receiving and approving applications. The majority of the work in this category is in small commercial and residential system installation.

To address this issue and to further encourage the deployment of smaller solar systems, GRU proposes to begin accepting applications for small systems (less than 10kW) on October 1, 2010. In addition, GRU proposes to set a maximum of 400 kilowatts for use by these smaller systems through January 15, 2011, after which any unused capacity will be made available under the general FIT guidelines. GRU expects that these two policy changes will accommodate all residents and businesses that desire to participate in the FIT program.

RECOMMENDATION

The City Commission receive a presentation on administrative policy changes that staff proposes for the 2010 Feed In Tariff program which would address the concerns raised.

100274_SolarFIT20100819.pdf

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

080471.

Analyze the Availability and Accessibility of Youth Programs and Identify a Role for City Government - CCOM Strategic Initiative (B)

This item provides a status update on the progress of Strategic Initiative 3.3: Analyze the Availability and Accessibility of Youth Programs and Identify a Role for City Government.

Explanation: On October 2, 2008, the City Commission referred each Strategic Initiative included in the FY 09/10 Strategic Plan to City Commission standing committees and the Community Redevelopment Agency to give elected officials the opportunity to receive updates on the progress of each strategic initiative and give policy guidance on the implementation of the strategic plan throughout the year.

An update was provided at the May 13, 2010, Recreation, Cultural Affairs and Public Works Committee meeting which included service providers throughout the city sharing information on their programs and activities that are scheduled for the summer. Staff also provided a presentation on existing youth programs in a GIS format which showed program locations compared to schools, parks,

bus routes and past juvenile crimes. The Recreation, Cultural Affairs and Public Works Committee requested that the City Commission receive the presentation.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) receive the GIS presentation on youth programs and the gap analysis; and 2) adopt the draft recommendation of the Role of Government to Create a City of Gainesville Youth Alliance that will: 1) consists of all youth service providers in the city; and 2) meets regularly to build a stronger network of support for youth programs and services by: a) sharing information; b) identifying possible partnerships; and c) providing logistical support and/or assistance.

Legislative History

10/2/08	City Commission	Referred	Recreation, Cultural Affairs and Public Works Committee
1/8/09	Recreation, Cultural Affairs and Public Works Committee	Approved	
10/8/09	Recreation, Cultural Affairs and Public Works Committee	Heard	

080471_Strategic Initiatives_20090108.pdf
 080471_4th Quarter Updates_20091008.pdf
 080471_FY10 Qtr 3 Update_20100513.pdf
 080471_PPT_20100819.PDF

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE**PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****100254.****Roberta Lisle Kline Conference Room (B)****RECOMMENDATION***Catherine Lisle (daughter), Nathan Lisle (son) and Mary Hagan (sister) to accept the proclamation.*

100254_proclamation_20100819.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****TRANSMITTAL HEARING****100141.****LAND USE CHANGE – FOREST PARK (B)****Ordinance No. 100141, Petition PB-10-29LUC****An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use categories of certain property, as more specifically described in this ordinance, from the land use category of “Residential Medium-Density (8-30 units per acre)” to “Conservation”; consisting of approximately 12 acres, located in the vicinity of South of S.W. 20th Avenue between I-75 and Forest Park; providing a severability clause; providing a repealing clause; and providing an effective date.***Explanation: STAFF REPORT**The petitioner, the City of Gainesville Parks, Recreation, and Cultural Affairs Department, requests a land use change on land owned and maintained by the City. The parcel is approximately half Conservation land use with a 12-acre portion designated Residential Medium-Density. Approval of the proposed change would result in the entire parcel being designated Conservation. This entire parcel is undeveloped and part of a larger conservation area known as Forest Park.**Public notice was published in the Gainesville Sun on May 11, 2010. The City Plan Board held a public hearing May 27, 2010.*

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 days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-10-29LUC; and 2) adopt the proposed ordinance on first reading.*

100141_staff letter-20100819.pdf
100141A_flu element_obj 3.1_20100819.pdf
100141B_maps_existing and proposed land use_20100819.pdf
100141C_application_neighbrhd wkshp info_20100819.pdf
100141D_100527 cpb minutes_20100819.pdf
100141E_staff ppt_20100819.PDF
100141_draft ordinance_20100819.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****100042.****SOLID WASTE NON-AD VALOREM TAX ASSESSMENT (B)****Ordinance No. 100042**

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in the non-ad valorem assessment for the municipal service benefit unit created by Alachua County for certain solid waste management services for the 2010-2011 fiscal year; providing conditions for the consent; providing that the consent is for a one-year period; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PUBLIC WORKS STAFF REPORT

On July 13, 2010, the Alachua County Board of County Commissioners adopted

Resolution 10-56, that provides notice of intent to utilize the uniform method of collecting non-ad valorem solid waste assessments for the 2010-2011 fiscal year to fund certain solid waste management services in the entire county. Passage of an ordinance is necessary to provide consent for all land within the City of Gainesville to be included in the portion of the non-ad valorem assessment that covers the cost of the Waste Alternatives, Environmental Protection programs and a portion of the Rural Collection Center program. On July 1, 2010, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance consenting to the inclusion of the City in the County's solid waste non-ad valorem assessment. The ordinance approves the non-ad valorem assessment for one year and additional ordinances will be submitted each year for the next two years for consideration and adoption by the City Commission.

CITY ATTORNEY MEMO

If approved on first reading, the second and final reading will be August 19, 2010. The effective date of this ordinance is October 1, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/1/10	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
8/5/10	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

100042_Alternatives_20100701.pdf

100042_Assessment_20100701.pdf

100042_Rates_20100701.pdf

100042_MOD_Memo_20100701.pdf

100042_DraftOrdinance_Non-Ad Valorem_SW_20100805.pdf

100042a_ExhibitA_20100805.pdf

100140.

LANDLORD PERMIT RENEWAL FEES (B)

Ordinance No. 100140

An ordinance of the City of Gainesville, Florida, amending Appendix A, City of Gainesville Code of Ordinances, relating to late fees for landlord permit renewals; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its June 17, 2010 meeting adopted Ordinance No. 080579, implementing the recommendation of the Community Development Committee to add a new tier of late fees for new landlord permit applications that are received 1-15 days late. The Community Development Committee also recommended the addition of a new tier of late fees for landlord permit renewals that are received 1-15 days late. This ordinance adopts the same tier of late fees for renewals as does Ordinance No. 080579 for new applications.

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

2010.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/5/10 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

100140 Draft Ordinance - Landlord Permit Renewals.pdf

PLAN BOARD PETITIONS

090538.

Butler Plaza Planned Development (PD) Rezoning (B)

Petition PB-09-84 PDV. Kimley-Horn and Associates, Inc., agent for S. Clark Butler Properties, Ltd. (Butler Plaza PD) Rezone property from Alachua County Automotive Oriented Business (BA), Retail Sales, and Services (BR), Highway Oriented Businesses (BH), Manufactured/Mobile Home Park (RM), Manufacturing and Services Industrial (MS), Residential Multi-Family (R-2), Residential Multi-Family (R-3), Residential Single Family (R-1C), Residential and Professional (RP) to City of Gainesville PD (Planned Development District) to allow commercial, office and residential uses. Located between Southwest Archer Road and Southwest 24th Ave., and between Southwest 40th Blvd. and Southwest 34th St. Related to Petition PB-09-74 LUC.

Explanation: This is a request by the petitioner to change the County zoning districts to a City zoning district of PD (Planned Development District). The Planned Development will be regulated by the adopted conditions, a PD Report, PD Layout Map, and other associated maps and graphics. This PD rezoning is associated with a Comprehensive Plan amendment (Petition PB-09-74) that proposes to change the land use designations to 'PUD' and will adopt specific policies that apply to development in this area. This Planned Development must be consistent with all aspects of that proposed amendment.

The proposed Butler Plaza Planned Development totals approximately 264 acres, and is located generally on the north side of Archer Road and to the west of SW 34th Street. The subject property extends all the way north to the newly constructed SW 24th Avenue and in one location reaches all the way to Interstate 75 to the west. The current developed portion (approximately 108 acres) contains over 1 million square feet of commercial retail uses which are contained in several adjacent shopping plazas and multiple outparcels located along Archer Road. This existing development is accessed by a series of public and private streets that connect from Archer Road northward to Windmeadows Boulevard.

The Planned Development zoning district was established specifically to allow for unique proposals which are not provided for by the standard zoning districts. The minimum requirements within Section 30-213 define the reasons that are needed to justify a rezoning to the planned development district. According to Section 30-216 of the City's Land Development Code, a proposal

to rezone to the PD district shall also consider general conformance with the Comprehensive Plan, concurrency requirements, internal and external compatibility, intensity of development, usable open space, environmental constraints, transportation access and the provision for a range of transportation choices.

The City Plan Board reviewed both the proposed PUD land use change and the PD rezoning during three special meetings on September 21, September 29 and October 7, 2009. The Plan Board ultimately recommended approval of the PD with modified conditions. The City Commission held public hearings on November 30 and December 1, 2009, where discussion was focused on the amendment to the Comprehensive Plan, and deliberation on the planned development was continued to a later time. At that time, the City Commission directed staff to update the proposed PD conditions to reflect the decisions made by the Commission during the hearings on the Butler Plaza land use change. The conditions for the Planned Development have since been updated to reflect the policies in the associated PUD land use change. City staff has also worked with the applicant to update the PD exhibits and standards. At the request of the Commission, the redevelopment standards for the existing commercial area have also been included as part of this petition.

Public notice was published in the Gainesville Sun on July 20, 2010. Letters were mailed to surrounding property owners on July 20, 2010.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve petition PB-09-84 PDV, as revised by the Plan Board. The Plan Board voted approval of the petition with revisions (6-1).

Staff to City Commission - The City Commission approve the revised recommendation from City staff.

Legislative History

11/19/09	City Commission	Continued (Petition) (7 - 0)
11/30/09	City Commission	Continued (Petition) (7 - 0)
8/5/10	City Commission	Continued (Petition) (6 - 0 - 1 Absent)

Petitioner_BP_market study.pdf
Petitioner_BP_comprehensive plan subarea policies 11-19-09 .pdf
Petitioner_BP- PD Conditions 11-19-09 .pdf
Petitioner_BP_PP_additional information.PDF
Letter_Deborah Butler_November 19, 2009.pdf
090538_butler plaza PD table of contents_20091130.pdf
090538A_cpb revised PD conditions_20091130.pdf
090538B_additional staff changes to PD conditions_20091130.pdf
090538C_090921 cpb minutes_20091130.pdf
090538D_090929 cpb minutes_20091130.pdf
090538E_091007 cpb action agenda_20091130.pdf
090538F_staff report_20091130.pdf
090538G_trc comments to cpb_20091130.pdf
090538H_Letters_citizen,city arborist,rts dir,ac plan dept,fdot_20091130.pdf
090538I_neighborhood workshop info_20091130.pdf
090538J_petitioner response to PD detail comments_20091130.pdf
090538K_091007 cpb minutes draft_20091130.pdf
090538L_staff ppt_20091130.pdf
090538_table of contents_20100805.PDF
090538A_cpb pd conditions_20100805.pdf
090538B_applicant version pd conditions_20100805.pdf
090538C_pt 1_A-E_pd report_20100805.pdf.pdf
090538C_pt 2_F-J_pd report_20100805.pdf
090538D_site signage plan_20100805.pdf
090538E_staff ppt_20100805.PDF
090538F_Time Extension Ltr_20100805.pdf
090538G_Airport Marker Ltr_20100819.pdf
090538_petitionform_20100805.pdf
090538a_petitionform_20100805.pdf
090538_table of contents_20100819.pdf
090538A_cpb butler plaza pd conditions_20100819.pdf
090538B_applicant version butler plaza pd conditions_20100819.pdf
090538C_Pt 1_A-D_pd report_20100819.pdf
090538C_Pt 2_E-J_pd report_20100819.pdf
090538D_site signage plan_20100819.pdf
090538E_staff ppt_20100819.PDF
090538F_extention ltr_quasai jud forms_20100819.pdf
090538G_Airport Marker Ltr_20100819.pdf
090538H_butler plaza land use signed ordinance 090537_20100819.pdf
090538i_Memo from EB&SWright_20100819.pdf
090538J_City-Object 1.3_20100819.pdf
090538K_Architectural Guideline_20100819.pdf

100229.**Fat Tuscan (B)**

Petition PB-10-68 PDA. Jay and Michele Reeves. Amend the Planned Development Ordinance No. 070819 (Fat Tuscan) to allow additional office uses and outdoor music; expand the hours to 6:30am -10:30pm Monday thru Saturday, 8:00am-5:00pm on Sundays; and to increase the amount of seating from 30 to 70 seats. Located at 725 Northeast 1st Street.

Explanation: This is a request to amend the Fat Tuscan Café Planned Development (PD) Ordinance 070819. The applicants have indicated that "the revisions are necessary to correct a mistake that narrowly restricted the underlying OR Office Residential Uses without the applicant's knowledge, and to allow adjustments in business hours, seating counts, food restrictions and use of the courtyard, hours and music." Specifically the amendment would allow additional office uses and outdoor music; expand the hours to 6:30am -10:30pm Monday thru Saturday, 8:00am-5:00pm on Sundays; and increase the amount of seating from 30 to 70 seats. The applicants have indicated that the changes "are required due to development of the business, challenging economic conditions, and requests of the patrons."

The City Plan Board heard the original Petition 112PDV-07PB on November 15, 2007 and voted to approve the petition 7-0 with modified conditions. The Board modified the staff conditions to address the concerns of the applicant. On July 28, 2008, the City Commission approved Ordinance 070819 Fat Tuscan Café PD modifying the hours of operations to provide additional flexibility.

On May 11, 2010, the business was issued a Notice of Violation of the land development code for violating the conditions of the PD. Code Enforcement was asked to investigate the operations of the business after receiving a complaint about amplified music at the establishment. Code enforcement found that the business was indeed operating and advertising hours of operation in violation of the PD.

On July 22, 2010, the Plan Board heard this petition and approved the petition with conditions. The Plan Board focused most of their attention on the hours of operation and whether or not to allow amplified music. The Board heard from residents regarding the impact of noise on the area, some residents indicated that they enjoyed the music and others indicated that they did not. The Board generally felt that the use was good for the neighborhood but also wanted to protect the residents from potential noise issues with amplified music. After much debate and with agreement from the applicant the Board decided to prohibit outdoor amplified music. The only issue that the Plan Board did not really address was private parties/ events after the designated hours of operations. The Plan Board chair has indicated that he felt the sense of the Board was that there would be no activity after the hours of operation for the sake of the neighborhood. The Plan Board approved the petition with a 5-0 vote as modified.

Notice was published in the Gainesville Sun on July 6, 2010.

Fiscal Note: None.

RECOMMENDATION

Plan Board to the City Commission - approve the petition as modified.

Staff to the Plan Board- approve the petition with conditions.

Alternative recommendation - deny the petition.

100229_cpb recommended conditions_20100819.pdf
100229_A_table 1_list of permitted office uses_20100819.pdf
100229B_staff letter_20100819.pdf
100229C_table 1__list of permitted uses_20100819.pdf
100229D_exhibit 1_cpb 071115 minutes_20100819.pdf
100229E_exhibit2_staff report_112PDV_07PB_20100819.pdf
100229F_exhibit 3_ord 070819_20100819.pdf
100229G_exhibit 4_notice of violation_20100819.pdf
100229H_exhibit 5_fat tuscan web page_20100819.pdf
100229I_exhibit 6_staff recommended conditions_20100819.pdf
100229J_exhibit 7_petitioner appl and backup mat_20100819.pdf
100229K_citizen letters to cpb_20100819.pdf
100229L_100722 cpb minutes draft.pdf
100229_petitionform_20100819.pdf

100231.

Legacy Small-Scale Land Use Amendment (B)

Petition PB-09-115 LUC. Causseaux, Hewett, and Walpole, Inc., agent for Legacy Fountains, LLC. Amend the Future Land Use Map from REC (Recreation) to PUD (Planned Use District) to allow a residential, commercial, office, and retail development. Located at 1420, 1424, 1428 and 1432 Southwest 52nd Street. Related to Petition PB-09-116 PDV.

Explanation: The applicant is requesting that the PUD (Planned Use District) land use category be applied to 5.07 (MOL) acres of land. This request constitutes a small-scale amendment to the City's 2000-2010 Future Land Use Map under Florida Statutes, Chapter 163, Section 163.3187 (1) (c). The purpose of the request is to create a neighborhood-scale, mixed-use development that serves the surrounding area.

The subject property is primarily surrounded by land with an RM (Residential Medium-Density: 8-30 units per acre) land use category. This land use category allows single-family and multi-family residential development at densities from 8 to 30 dwelling units per acre. A multi-family residential PD is located directly north across Southwest 20th Avenue. Multi-family residential development is also located to the east across Southwest 52nd Street. City-owned land is located on the north side of Southwest 20th Avenue, just east of I-75. This land has a PF (Public Facilities) land use category and is used for utility purposes.

The applicant proposes a PUD that allows a density of up to ten (10) dwelling units (20 bedrooms), or up to 2 dwelling units per acre; up to 20,000 square feet of gross floor area for office use; up to 20,000 square feet of gross floor area for retail/commercial use; and up to 5,000 square feet of gross floor area for a stand-alone bank with one drive-through lane. A minimum of 500 square feet of gross floor area and a maximum 10,000 square feet of gross floor area are allowed for any single, non-residential use.

The permitted principal and accessory uses of the PUD are the uses allowed in the MUL (Mixed-Use Low Intensity: 8-30 units per acre) land use category, as

described in Policy 4.1.1 of the Future Land Use Element. Outdoor storage, gasoline sales, and drive-through facilities, with the exception of a stand-alone bank with one drive-through lane, are prohibited.

At least 25 percent of the overall acreage of the subject property will be preserved in open space to protect significant plant species. Open space will also be provided as landscape buffers, stormwater management facilities, and outdoor activity areas.

The PUD provides for pedestrian, bike, and vehicle parking facilities (surface and structured). A portion of the subject property, running parallel to the north property line, will be dedicated for the widening of the Southwest 20th Avenue overpass of I-75. Property may also be dedicated along the east property line for the future extension of Southwest 62nd Boulevard.

Key issues affecting the development of the subject property include a Progress Energy easement that extends along the full length of the north property line. Permission to use the easement has not yet been granted, and no alternatives are proposed for consideration with this request if use of the easement is denied. Also, the applicant must demonstrate full compliance with the level-of-service standards within the elements of the 2000-2010 Comprehensive Plan.

Finally, the applicant requested a modification to Condition 7 of the staff report at the City Plan Board, July 22, 2010, public hearing. At the direction of the City Plan Board, staff modified Condition 7 to ensure consistency with the City's Concurrency Management requirements as by allowing the trips generated by the stand-alone bank to be exchanged/substituted for 2,500 additional square feet of general (non-medical) office use, or 1,750 additional square feet of retail/commercial use that is not an eating place.

The City Plan Board considered Petition PB-09-115 LUC at a public hearing held July 22, 2010. By a vote of 4 - 0, the City Plan Board approved the petition with staff conditions, and a modification to Condition 7.

Public notice was published in the Gainesville Sun on July 6, 2010.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-09-115 LUC with staff conditions and the modification to Condition 7.

Staff to City Plan Board - Staff recommends approval of Petition PB-09-115 LUC, subject to the approval of proposed conditions in the staff report and Appendix D.

Alternate Recommendations -

The City Commission approve Petition PB-09-115

LUC as submitted.

The City Commission deny Petition PB-09-115 LUC.

100231_cpb recommended conditions_20100819.pdf
100231A_staff letter_20100819.pdf
100231B_attach A_comp plan GOPs_20100819.pdf
100231C1_attach B_ecological inventory legacy pd_20100819.pdf
100231C2_attach B_supplement docs_legacy pd report_20100819.pdf
100231D_attach C_application and neighbd wkshp_20100819.pdf
100231E_attach D_trc forms_20100819.pdf
100231F_staff ppt_20100819.pdf
100231G_petitioner ppt_20100819.pdf
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DEVELOPMENT REVIEW BOARD PETITIONS

090844.

Hidden Lake Design Plat, Phase II (B)

Petition DB-09-88 SUB Causseaux, Hewett and Walpole, Inc., agent for Land Estates, LLC. Design plat review for Phase II of Hidden Lake Subdivision. Zoned PD (Planned Development). Located at NW 75th Place and NW 21st Way, Parcel No. 07814-002-001.

Explanation: Hidden Lake is a residential subdivision located in the 2700 block of SR121. It was approved by Alachua County in January 1983 as a Planned Unit Development with a gross density of 3.22 units per acre. City records indicate that Phase I, which includes 60 lots and associated open space was developed prior to January 8, 1991 on 31 acres. The PD was annexed into the City in 1992 (Ordinance 3769) and an application, Petition 61SUB-06 DB, was submitted to the City on August 10, 2006 for Phase II design plat review which includes 18 lots on 8.35 acres at a density of 2.2 units per acre.

This petition is the continuation of the April 1, 2010 hearing on Hidden Lake Design Plat, Phase II. The City Commission continued the petition so that the applicant could address several issues raised by residents at the April 1, City Commission hearing.

The issues included verification from Gainesville Fire Rescue as to whether a cul-de-sac was needed for a turnaround for fire trucks and directions to the applicant to hold a neighborhood workshop to address neighborhood concerns regarding wetlands, stormwater, traffic, sidewalks and the connection to Eryn's Gardens subdivision.

In response to the Commission's concerns, a neighborhood meeting was conducted on April 18, 2010 at 2:00pm; minutes of the meeting are attached.

Since the April 1, 2010 City Commission meeting, staff has determined that:

- * The cul-de-sac can be replaced with the new street-end design as shown on the modified design plat.*
- * A vehicular connection cannot be constructed but a pedestrian/bicycle*

connection can be physically accommodated with coordination from the owners of Eryn's Garden.

- * The stormwater management system proposed for the development meets code and is adequate to handle the additional units proposed for Phase II.
- * The sidewalks should remain as part of the design for Phase II.
- * The proposed mitigation within the area to the south of Phase I will significantly enhance the overall environmental condition of the Hidden Lake area.

Public notice was published in the Gainesville Sun on January 27, 2010. The Development Review Board held a public hearing on February 11, 2010.

Fiscal Note: None.

RECOMMENDATION

Staff to City Commission - the City Commission approve the DRB's recommendation included in the report, including the following:

- Approve a modification to allow removal of the cul-de-sac per the reviewing department.
- Require the placement of sidewalks in Phase II as required by code
- Approve the wetland mitigation plan, finding that the Public Interest Test has been met; the avoidance and minimization criteria has been satisfied and approve the mitigation plan as proposed.
- Require a 12-foot wide pedestrian/bicycle connection to the adjacent development to the north, subject to agreement by the owners of Eryn's Gardens.
- Require compliance with GRU requirements including a 12-foot wide stabilized surface to service existing manholes and lift station managed by GRU.

Legislative History

4/1/10	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
6/3/10	City Commission	Continued (Petition) (6 - 1)
7/1/10	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
8/5/10	City Commission	Continued (Petition) (6 - 0 - 1 Absent)

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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)