

City of Gainesville

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



Meeting Agenda - Final

January 16, 2014

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)

Commissioner Lauren Poe (At Large)

Commissioner Thomas Hawkins (At Large)

Commissioner Yvonne Hinson-Rawls (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Mayor-Commissioner Pro Tem Randy Wells (District 4)

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

CALL TO ORDER**AGENDA STATEMENT**

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL**INVOCATION****Prophet George Young****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS**[130572.](#)**Land Development Code/Form Based Code Update (B)**

This is a request for City Commission approval to schedule a Special City Commission Meeting on May 29, 2014 to hear a petition on the Land Development Code/Form Based Code.

Explanation: During the past several months Planning and Development Services staff have been meeting with stakeholders and the Consultant to update the land development code based on the direction provided by the City Commission. While the code has been amended in parts and pieces to address particular trends, the code has not received a comprehensive update since 1992. This update is designed to better implement our Comprehensive Plan, provide a more predictable and streamlined code, utilizes best practices for code organization and administration, and reconciles disparities amongst multiple overlays and the patching of code over the last 22 years. On December 2, 2013 Planning staff provided the Plan Board with an overview of the major changes to the code and the major topics for discussion at future Plan Board special meetings scheduled for January and February. It is anticipated that the Plan Board will hold a public hearing on the petition for this item in April of 2014. The purpose of the request for a special meeting on the plan

board petition is to give the City Commission and stakeholders a dedicated meeting time to fully discuss the petition.

Fiscal Note: None.

RECOMMENDATION

Planning and Development Services Staff to the City Commission - Approve the request to schedule a Special City Commission Meeting on May 29, 2014 at 6:00 PM to hear a petition on Land Development Code/Form Based Code.

Alternative Recommendation

he City Commission deny staff's request for a Special City Meeting on May 29, 2014, and direct staff to schedule the petition hearing on a regularly scheduled City Commission meeting.

[130572 Memo 20140116.pdf](#)

[130583.](#)

FEMA Assistance to Firefighters Grant (AFG) Program (NB)

This item involves a request for the City to accept a grant from the 2013 Federal AFG Grant Program, if awarded, for the purpose of Station Alerting.

Explanation: On November 4th, 2013, the US Department of Homeland Security began accepting applications to the Assistance to Firefighters Grant Program; applications were due by December 6th, 2013. The program helps fire departments obtain critically needed equipment and resources to protect the public and emergency response personnel from fire and related hazards. Priority is given to initiatives targeted at reaching compliance with national response standards published through the National Fire Protection Association (NFPA).

In an effort to meet benchmarks established in NFPA 1710 and NFPA 1221, the City and County have combined their efforts to develop a strategy and an application for funding to enhance station alerting to fire stations of emergency incidents. Currently, our system is experiencing a six to forty-two second delay in notifications of multiple units when city and county forces are needed. This delay has the potential to allow fires to grow and to prolong the arrival of emergency services to victims.

Technology is available to resolve this alerting delay, thereby creating the capability of simultaneous notification of a full alarm assignment regardless of their location or affiliation. Gainesville Fire Rescue will serve as the host agency for this application in partnership with Alachua County Fire Rescue. All purchasing will be accomplished by the City with property transferred compliant with FEMA guidelines.

The total amount sought through this funding for the two-year period is \$1,774,628.

Fiscal Note: If awarded, a 10% cash match of \$177,462 is required. Match calculations for the City and County will be based upon the specific equipment to be received by each agency. The match for system components to be housed within the Combined Communications Center (CCC) will be divided equally by the City and County. Estimated match for the City is approximately \$69,000. Funds for the City's portion of the match will be allocated from the GFR budget.

RECOMMENDATION

The City Commission: 1) approve the request to accept a grant, if awarded, from the US Department of Homeland Security AFG Grant Program for the purpose of Station Alerting; 2) if awarded, authorize the City Manager or designee to execute the grant award agreement and other grant-related documents, subject to approval by the City Attorney as to form and legality; and 3) authorize the expenditure of these grant funds.

[130587.](#)

Contract Award to Adbiz, Inc. for Creative Services for the Regional Transit System (RTS) Rebid (B)

This item is a request to approve the recommended award for Request for Proposal (RFP) #RTSX-140015-DS and execute a contract with Adbiz, Inc., for Creative Services for the Regional Transit System (RTS).

Explanation: On August 7, 2013, the City's Purchasing Division solicited Request for Proposals (RFP) for Creative Services for the Regional Transit System (RTS). On August 14, 2013, the solicitation was cancelled. On October 30, 2013, the City's Purchasing Division solicited Request for Proposals (RFP) for Creative Services for the Regional Transit System (RTS) rebid. The RFP process was implemented in compliance with, and as required by, the Federal Transit Administration (FTA), Florida Statutes and City of Gainesville policies.

Seven (7) proposals were submitted by the deadline. The submission contained technical and written proposals and a fixed budget of \$140,000. An evaluation team consisting of City staff evaluated the proposal. The highest ranked proposal was submitted by Adbiz, Inc. RTS desires to enter a contract with Adbiz, Inc.

Fiscal Note: Funds in the amount of \$140,000 are available in the FY14 RTS budget to negotiate with Adbiz, Inc.

RECOMMENDATION

The City Commission authorize the City Manager or his designee to execute a contract with Adbiz, Inc., for Creative Services for the Regional Transit System (RTS) Rebid, subject to approval by the City Attorney as to form and legality.

[130587 BidTab 20140116.pdf](#)

[130588.](#)**Surplus Property Sale (NB)**

Staff recommends all items at Surplus Lot be declared surplus and disposed of through contract methods.

Explanation: Each year, there are approximately 2,500 surplus property items stored at the City's Surplus Lot located at the Public Works Compound on 39th Avenue. These surplus items consist of scrap materials, office equipment and furniture, construction equipment, vehicles, abandoned and unclaimed property and miscellaneous items. In an attempt to reduce storage costs and increase revenues, staff has implemented changes to the auction process. The method of disposing of surplus property is outlined in the City's Financial Services Procedure Manual. Typical disposal methods are: transfer to other City departments; public auction; sealed competitive bids; and donation to another governmental agency. The surplus property auctions are now being held monthly or bi-monthly at the auctioneer's site or through an online auction process. This process has increased the cash flow for the surplus process as well as reducing storage and personnel costs.

Fiscal Note: The City expects to generate revenues in excess of \$250,000 annually as a result of monthly or bi-monthly auctions. At the \$250,000 level the cost to the City would be \$20,000 based on the 8% bid rate.

RECOMMENDATION

The City Commission declares all materials, equipment and vehicles stored at the Surplus Lot as surplus property and authorize the sale of such property for the time period covering FY2014.

[130605.](#)**Federal Law Enforcement Contraband Forfeiture Trust Fund Funding To Purchase Equipment To Initiate A Child Safety Course For Children (B)**

This is a request for \$7,000 to purchase radKIDS instructor products to facilitate the training.

Explanation: Since its inception in 2000, radKIDS®, Inc. has been committed to providing education that enhances the ability of children and parents to utilize knowledge, skills, and power to protect themselves from violence and harm. The Gainesville Police Department would like to purchase training items for our instructors to be able to train our youth on safety education.

radKIDS®, Inc. is the national leader in children's safety, with headquarters based in South Dennis, Massachusetts. radKIDS® is brought to children and parents by the training and development of nationally certified instructors, professional educators, school teachers, law enforcement educators/School Resource Officers, recreation and health professionals, Boys and Girls Clubs, YMCA's and perhaps most

importantly parent volunteers.

The radKIDS® Curriculum topics include: 1) radKIDS® Revolutionary Bullying Prevention Program that is WORKING today: "Taught Through the Eyes of a Child"; 2) Preventing/Stopping Predator Tricks including Physical Resistance Strategies against Abduction; 3) Internet Safety; 4) Personal Touch and Personal Space Safety (Good, Bad, Uncomfortable/Unwanted Touch) Featuring "Sam's Secret"; and 5) Home, School, Out & About Safety (Parks, Fairs, Playgrounds, Beaches, Stores, Malls) all Through the Eyes of the Child.

Fiscal Note: Funds for this expenditure in the amount not to exceed \$7,000.00 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund. The balance in the account for the unreserved amount is \$663,331 as of November 30, 2013.

RECOMMENDATION

The City Commission approve the appropriation of \$7,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund to pay for purchase of these items from radKIDS Inc.

[130605_radKIDSInfo_20140116](#)

[130614.](#)

Annual Maintenance Fees and Licenses for the Gainesville Police Department's Records Management System - Request for Purchase Order to SunGard Public Sector (B)

This item requests the City Commission to authorize the issuance of a purchase order not to exceed \$147,600.16 for annual maintenance fees and licenses for Gainesville Police Department's Records Management System.

Explanation: SunGard is the manufacturer of the Records Management System used throughout the Department. The annual maintenance fees allow GPD to maintain total integration of the current records management system data and also the integrity of the Master Name Data Base.

Fiscal Note: Funds in the amount of \$147,600.16 are available from the General Fund.

RECOMMENDATION

The City Commission authorize the City Manager to execute a purchase order to SunGard Public Sector, a sole source vendor, in the amount not to exceed \$147,600.16 for payment of the annual maintenance fees and licenses.

[130614_SunGardSoleSource_20140116](#)

[130615.](#)

Appropriation of Unobligated Fund Balance of the Gainesville Police Department's State Law Enforcement Contraband Forfeiture Trust

Fund (NB)

This item requests that the City Commission approve the appropriation of \$50,000 of unobligated fund balance in the Gainesville Police Department's State Law Enforcement Contraband Forfeiture Trust Fund for use on authorized equipment, training, special programs and crime prevention activities.

Explanation: To further increase homeland security and officer safety, equipment and training funded through federal or state forfeiture funds should have more conservative disclosure requirements. Therefore, the process for how forfeiture funds are appropriated should be modified to request a lump sum without a detailed budget.

The City of Gainesville/Alachua County Drug Task Force receives State forfeiture funds through seizures while conducting undercover narcotic details or while working overtime detail on the Problem Oriented Policing (POP) grant. Seizures received while funded under the POP grant are considered Project Generated Income (PGI) and once cleared through the Courts must also meet the U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide requirements. Both State Law Enforcement Contraband Forfeiture Trust requirement and the Problem Oriented Policing grant (POP) grant set specific guidelines as to the spending of the State Forfeiture funds.

Fiscal Note: The Gainesville Police Department requests the City Commission appropriate \$50,000 from State Law Enforcement Contraband Forfeiture Trust Fund for funding for the categories of Equipment, Training, Special Programs and Crime Prevention. The funds for this project are available in the State Law Enforcement Contraband Forfeiture Trust Fund and are allowable for purchases under the categories listed above per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." Available balance is \$90,000.

RECOMMENDATION

The City Commission approve the appropriation of \$50,000 from the State Law Enforcement Contraband Forfeiture Trust Fund for future expenditures of Equipment, Training, Special Programs and Crime Prevention needs.

[130616.](#)

Fiscal Year 2013 Continuum of Care Program Grant Application (NB)

The City of Gainesville will partner with North Central Florida Continuum of Care to develop an application for the U.S. Department of Housing and Urban Development (HUD) Continuum of Care Program funding. The City will participate by serving as the sponsor grantee for two local transitional housing projects,

VETSPACE, Inc. and Meridian Behavioral Healthcare, Inc.

Explanation: This item supports City Commission Strategic Initiative 3.1: Continue Implementation of the 10 Year Plan to End Homelessness.

HUD is making available approximately \$1.7 billion in Fiscal Year 2013 for Continuum of Care (CoC) Programs to supplement funding for local homeless programs. The purpose the CoC Program is to reduce the incidence of homelessness in local communities by assisting homeless individuals and families to move to self-sufficiency and permanent housing.

Since 1995, the City of Gainesville has participated in this application process to assist various organizations to apply for grant funding under HUD's CoC. The Alachua County Coalition for the Homeless and Hungry is the lead agency for the North Central Florida CoC, which is a group of local community agencies working together to address the full continuum of causes, consequences, and solutions to homelessness. As part of the North Central Florida CoC, non-profit homeless providers have an opportunity to apply for CoC grant funding from HUD to provide various homeless services.

The City of Gainesville will again partner with the North Central Florida CoC to prepare applications for grant funding for the Fiscal Year 2013 Continuum of Care Program funds. As part of this process, the City sponsors the following two transitional housing projects, serving as both the applicant and grantee: 1) Meridian Behavioral Healthcare, Inc., "Project HOPE" Program, which provides supportive services and transitional housing for mentally ill and dually diagnosed homeless individuals at leased scattered sites; and 2) VETSPACE, Inc., "VETSPACE", which provides supportive services and transitional housing for homeless veterans in leased scattered sites. The grant award for each project may vary based on HUD's final approval of all the CoC grant applications submitted for funding.

Historically, the City has acted in the capacity as the fiscal agent for both CoC projects. However, the City, Vetspace, Inc. and Meridian Behavioral Healthcare, Inc. are in the process of working on a plan with HUD for both agencies to act independently, as fiscal agents, to directly implement and administer their grant projects. Therefore, starting with the FY 2014 CoC funding cycle, the City will continue to maintain its partnership with the North Central Florida CoC; however, both Vetspace, Inc. and Meridian Behavioral Healthcare, Inc. will apply for their CoC grant funding directly from HUD.

The deadline for submitting the CoC application to HUD is February 3, 2014; however, HUD is requiring for all grant applications to be submitted in their electronic application system by January 3, 2014.

Therefore, due to the timing of the FY 2013 CoC grant application deadline, the North Central Florida CoC has requested that the City act in the capacity as applicant and grantee until HUD approves the FY

2013 CoC funding award for each project. As a result, upon receipt of the FY 2013 CoC grant funding awards from HUD, the City will amend the FY 2013 CoC grant funding agreements with HUD, which will transfer the CoC grant agreements to both agencies to act independently as grantees and fiscal agents, to directly implement and administer their transitional housing projects.

Fiscal Note: None.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or his designee to apply for grant funding in collaboration with the North Central Florida Continuum of Care under the U.S. Department of Housing & Urban Development Continuum of Care Program; 2) authorize the City Manager or his designee to execute the Continuum of Care Program grant agreements and Continuum of Care Program grant agreement amendments with the U.S. Department of Housing and Urban Development for the Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc. projects, subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager or his designee to act on behalf of the City of Gainesville in all matters pertaining to the U.S. Department of Housing & Urban Development Continuum of Care Program grants, subject to approval by the City Attorney as to form and legality.

[130619.](#)

State Agency for Surplus Property (SASP) Program (B)

This item requests that the City Commission authorize the City Manager to sign as Authorized Representative for the Department of Management Services, Bureau of Federal Property Assistance Application for Eligibility to Receive Federal Surplus Property.

Explanation: Federal Property Assistance acquires surplus or excess military equipment from the federal government and transfers it to eligible public entities and non-profit organizations to assist in deferring the cost of new equipment. Each year the Federal Property Assistance program coordinates the distribution of donated federal property valued at several million dollars.

There will be two application's requiring signature; one for the City of Gainesville and a separate application required for the Gainesville Police Department.

Fiscal Note: None

RECOMMENDATION

The City Commission authorizes the City Manager

to sign as the Authorized Representative.

[130619 Applications 20140116.pdf](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

[130622.](#)

Removal and Consolidation of Items from the Regional Utility Committee (RUC) Outstanding Referral List (B)

Explanation: At its December 17, 2013 meeting, the Regional Utilities Committee reviewed its outstanding referral list and voted to recommend removal of several items from the list. The Committee also voted to consolidate several items for consideration as one item.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The RUC recommends removal of the following items from its outstanding referral list:

#100576 - GRU Class B Biosolids
 #080183 - Coal Acquisition Policy
 #110210 - GREC Status Update
 #120516 - Review of Solar Feed-In-Tariff
 #130325 - Net Metering Policy/ Cap on Pay-out and Existing Installations

The RUC additionally recommends consolidation of the following strategic initiatives into one item titled "Strategic Initiatives":

#120721 - Monitor the Progress of the Clean-up of Cabot Carbon/Koppers Superfund Site (SI 6.4)
 #120724 - Protect the Quality of Drinking Water in Gainesville (SI 7.1)
 #120726 - Develop a Coordinated Response at the Local Level to Address Energy Policy and Climate Change (SI 7.3)
 #120727 - Energy Efficiency Standards and Requirements (SI 7.4)

[130622 RUC Outstanding Referrals Matrix.20140116](#)

CITY ATTORNEY, CONSENT AGENDA ITEMS

[130575.](#)

**BRANDON WALKER VS. ADAM URRA, SARAH BOWIE, AND
 MICHAEL SCHENTRUP, COURT CASE NO.
 1:13-CV-59-MW-GRJ (B)**

Explanation: On December 5, 2013, Sergeant Schentrup received a Notice of a Lawsuit and Request to Waive Service of a Summons by regular U.S. Mail delivery from the U.S. Marshall. The Plaintiff alleges that he is a victim of false arrest; which occurred in 2010. He claims to have sustained psychological and emotional damages. Plaintiff is seeking compensatory damages, declaratory and injunctive relief.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available to represent the City employee acting in the course and scope of his employment in the case styled Brandon Walker vs. Adam Urra, Sarah Bowie, and Michael Schentrup, Court Case No. 1:13-CV-59-MW-GRJ.

[130575 Brandon Walker Consent 20140116.pdf](#)

[130604.](#)

LINDSEY O. THOMAS, AND SPENCER A. THOMAS, HER HUSBAND VS. CITY OF GAINESVILLE, A MUNICIPALITY; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2013-CA-5075 (B)

Explanation: On December 12, 2013, the City was served with a Summons and Complaint filed by Lindsey and Spencer Thomas in the Circuit Court. Lindsey Thomas alleges that on October 25, 2012 while driving west on the inside lane of State Road 26 (West University Avenue), approaching NW 27th Terrace, a tree located on City property fell on top of her vehicle causing her to be trapped inside. She claims to have suffered bodily injury and resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, hospitalization, and loss of earnings. Ms. Thomas's husband, Spencer Thomas, has filed a loss of consortium claim. Plaintiffs are seeking damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Lindsey O. Thomas, and Spencer A. Thomas, her husband vs. City of Gainesville, a municipality; Eighth Judicial Circuit, Case No. 2013-CA-5075.

[130604 Lindsey Thomas Consent 20140116.pdf](#)

[130635.](#)

City's claims against Beazer East, Inc. for cost recovery under Florida and Federal Law (B)

Modification - New version and back-up

Explanation: On March 4, 2013, the City placed Beazer East, Inc. ("BEI") on notice of the City's cost recovery claims arising from the approximately \$1.8 million dollars that the City expended from 2001 to present to ensure that the remedy selected by the United States Environmental Protection

Agency for the Koppers Superfund Site is adequately protective of the City's primary source of drinking water for the Gainesville community, the Murphree Wellfield, which is located downgradient of the Koppers Site.

Since March 2013, City staff (from Public Works, Legal and GRU) have been working with BEI staff to negotiate a settlement of the cost recovery claims without resort to litigation, as it is anticipated that such litigation will be lengthy and time and cost-intensive for both parties. To date, the key terms of the settlement discussion include BEI undertaking and/or contributing to public improvements (e.g., utility, road, stormwater and park/recreation) in the Stephen Foster neighborhood and purchasing excess soil from the City's Municipal Storage Yard. City staff continues to negotiate in good faith with BEI staff with a goal of finalizing a proposed written settlement agreement that can be recommended for approval to both the BEI Board and the City Commission. However, the Statute of Limitations (a statutory timeframe within which legal action must be filed) for the City's cost recovery claims will expire on February 2, 2014. As such, City staff recommends the City enter into a tolling agreement with BEI that will, by agreement of the parties, extend the applicable Statute of Limitations date, allowing staff to continue its efforts to negotiate a written settlement agreement that can be presented to the City Commission for its consideration.

In the event BEI does not timely provide a signed tolling agreement to the City, this item also seeks authorization for the City Attorney to file litigation if necessary to prevent the City's cost recovery claims from being extinguished by the Statute of Limitations.

RECOMMENDATION

1) Authorize the City Manager and the Interim General Manager for Utilities to execute a tolling agreement, subject to approval by the City Attorney as to form and legality; and 2) In the event BEI does not timely provide a signed tolling agreement, authorize the City Attorney to file litigation if necessary to prevent the City's cost recovery claims from being extinguished by the Statute of Limitations.

[130635_Mod Beazer Tolling Agreement_20140116.pdf](#)

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130531](#)

Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint:

Robert Ackerman and Phillip Lake to the City Plan Board for a term to expire 11/1/17.

Ellen West to the Art in Public Places for a term to expire 9/30/17.

Miguel Ortiz and Erika Smith to the Bicycle/Pedestrian Advisory Board for a term to expire 12/31/17.

Rebecca Howard to the City Beautification Board for a term to expire 11/1/17.

Charles Pedersen and Taylor Stein to the Nature Centers Commission for a term to expire 11/1/17.

[130611.](#)

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of November 21, December 5, and December 9, 2013.*

[130611_minutes_20140116.pdf](#)

[130637.](#)

Canvassing Board Appointment (NB)

Modification - Revised Recommendation

RECOMMENDATION *The City Commission: 1) appoint Commissioner Thomas Hawkins and Adrian Hayes-Santos to the 2014 Canvassing Board and 2) Designate Supervisor of Elections Office and the Millhopper Library as the 2014 Early Voting sites.*

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA**CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER**[130528.](#)**Use of ConnectFree Program Funds for Funding Water and Sewer Extension to Serve a Proposed Classroom Addition to Reichert House (B)**

This item is to request the use of ConnectFree program funds to pay for GRU water and sewer extensions to provide service to classrooms being constructed for elementary aged at-risk boys on the current Reichert House Property at 1724 SE 2nd Avenue. *ESTIMATED STAFF PRESENTATION 10 MINUTES*

Modification - Revised Power Point

Explanation: The Reichert House, a collaborative effort by the Gainesville Police Department, the Black on Black Crime Task Force, the Corner Drug Store and the Gainesville Housing Authority was founded in 1987. A building dedication for the Reichert House's current location was held in 1996. Since that time, the program, established to provide an after-school mentoring program for at-risk teenage boys, has grown to include at-risk elementary school age boys. They currently serve over one hundred youth in providing opportunities for young men to participate in community service projects and academic achievement programs. It is planned that two portable classrooms will be added to the property in order to serve elementary aged at-risk boys.

Police Chief Tony Jones and members of his staff have met with Interim General Manager Kathy Viehe to discuss the use of funds from the ConnectFree program to assist with the costs for extending water and sewer service to the new classrooms. The ConnectFree program was established by a City Commission Resolution 030223 (July 28, 2003) which was amended November 14, 2005 (Resolution 050601). The resolution established a fund to be used for extending water, wastewater, and reclaimed water service to serve residential properties within the city limits. This program has been implemented jointly by GRU and general government staff in accordance with the resolution.

The resolution provides for funding for extension only to residential properties. The Reichert House is a not-for-profit charity but is not residential. Therefore, funding for extension of water and sewer service to the classrooms will require approval of the City Commission. Staff is proposing that ConnectFree funds be used for paying for off-site water

and wastewater piping improvements to serve the property along with connection charges. The estimated cost of these improvements is approximately \$10,000.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from GPD and GRU staff; and 2) approve the use of ConnectFree funds to pay for water and sewer extensions to serve two proposed classrooms to be added to the Reichert House property.

[130528_ConnectFreeFundingForReichertHouse_20131219](#)

[130528-MOD_Presentation_20140116.pdf](#)

[130633.](#)

Temporary Moratorium to Immediately Prohibit the Filing, Acceptance, or Processing of any Permit, Development Order, or any Official Action of the City having the Effect of Permitting or Allowing the Construction or Operation of any Internet Gaming/Gambling Business within City Limits, unless an Application for a Permit, Development Order, or any other Official Action of the City was Properly Filed with the City on or before 5:00 PM on January 16, 2014 (B)

This is a request for the City Commission to approve advertising an ordinance for a six month moratorium on internet cafes.

ESTIMATED STAFF PRESENTATION 30 MINUTES

Explanation: The Gainesville Police Department requests a 6-month moratorium to immediately prohibit the filing, acceptance, or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the construction or operation of any internet gaming/gambling business (commonly referred to as "internet cafes") within city limits. The purpose of this moratorium is to temporarily prevent the further establishment and proliferation of internet gaming/gambling businesses throughout the City during a period that provides the City with sufficient time to review, study, hold public hearings, and adopt, if necessary, an ordinance amending the City of Gainesville Code of Ordinances to prohibit such uses throughout the City. To properly effectuate this temporary moratorium, the City Commission must adopt an ordinance that prohibits any official action of the City as described above, unless an application for such official action was properly filed with the City on or before 5:00 p.m. on January 16, 2014.

The Gainesville Police Department believes the moratorium and subsequent prohibition is necessary to preserve the public peace and to safeguard the health, safety, morals and welfare of the community and citizens thereof. Internet gaming/gambling businesses, as will be further

described below, are inherently deceptive and allow users to take part in activities as if they were engaging in gambling activities prohibited by Florida law. It is well documented that gambling can lead to harmful behavior and is often an addictive activity that has an unreasonable adverse effect upon persons that are statistically at risk for gambling addictions and other similar compulsive behaviors. There is also a direct relationship between internet gaming/gambling businesses and disturbances of the peace and good order of the community. Finally, state law (as most recently clarified by the Florida Legislature in 2013) makes internet gaming/gambling businesses unlawful in the State of Florida. However, enforcement of these state laws by local authorities occurs "after-the-fact" (i.e., after the opening and operation of such establishments) and is often difficult and costly given that a local government cannot readily determine, absent a law enforcement investigation and clear understanding of the state gambling laws, whether such an operation is lawful. Therefore, this moratorium and subsequent prohibition will serve a valid public purpose, will operate in harmony with state law, and will provide the City with a clear and proactive mechanism for elimination of these establishments.

The 2012 paper titled "Municipal Regulation of Internet Cafes (Electronic Sweepstakes): What Loophole?" written by Attorney Daniel W. Langley for a Florida Municipal Attorney Association presentation describes the typical business model for internet cafes. An internet café or business center with sweepstakes ostensibly sells internet access time (or in some cases phone minutes) to patrons. With each purchase of internet or phone time, patrons receive a number of "sweepstakes entries" (e.g., 100 sweepstakes entries per \$1.00 of time purchased). Purchased time and sweepstakes entries are then tracked through a plastic card, computer account, or other device, whereupon the patron may take that card or account to one of many computer terminals set up throughout the establishment. In many cases, establishment employees instruct patrons as to how they may replenish their accounts and earn additional sweepstakes entries. At some cafés, a café employee may initiate the session at a computer station via a switch or other toggle. Some cafés or business centers require their patrons to sign a form stating that the patron understands that he/she is purchasing internet time and is not, in any way, engaging in illegal gambling as defined by Florida law. Other cafés provide patrons with a limited number of "free" sweepstakes entries each day (e.g., 100 entries per day), claiming that consideration is paid for internet time rather than sweepstakes entries. Upon purchasing internet time and receiving sweepstakes entries, patrons are invited to use their internet time in the establishment to "reveal" their sweepstakes entries at one of many computer terminals provided throughout the establishment.

Sweepstakes operators often claim that these sweepstakes entries are predetermined winners and losers, and a patron need only "reveal" his/her entries at a terminal to find out whether one or more of his/her entries are a winner. Most, if not all, patrons generally opt to reveal their entries at the computer terminals, which feature simulations of popular

games of chance such as spinning reel slot machines, keno, and roulette. Patrons intently watch the screen featuring the simulation to see if they have won. Patrons may choose to reveal each entry individually or select multiple entries to be revealed simultaneously, thus ostensibly increasing their chances of obtaining a winning result in a single game. Though the proprietors claim that each entry is predetermined a winner or loser and that the game simulations merely provide an entertaining element of suspense, the patron does not know whether he/she holds one or more winning entries until the sequence finishes and the terminal displays a result. Interviews with patrons have revealed that many patrons are unaware of the allegedly predetermined nature of the sweepstakes and instead believe that each "play" might randomly result in a "win."

Investigations of internet cafés reveal that very few patrons, if any, appear to actually be using their internet or computer time. Rather, most patrons primarily use the computer terminals to "reveal" their sweepstakes entries and, upon running out of entries, return to the front desk or an automated kiosk to purchase additional internet time to receive more sweepstakes entries. The establishment awards prize money in cash and may offer to exchange such winnings for additional internet time and "sweepstakes" entries. Typically, patrons accumulate large quantities of unused internet time while remaining at the café to "reveal" entries. Many patrons are unaware of how much internet time they have purchased. Undercover investigations of some establishments have revealed that internet café employees and staff repeatedly explain to patrons how they may acquire more sweepstakes entries but neglect to instruct patrons as to how they may use the internet or find out how much internet time is remaining on their accounts. Regardless, patrons are typically apathetic toward their amassed internet time and are instead primarily interested in the number of sweepstakes entries remaining on their accounts.

Even prior to the most recent clarification by the Florida Legislature in 2013, Florida law prohibited gambling or gaming in the state by prohibiting both unsanctioned lotteries and slot machines, with only certain very limited exceptions. Operators of internet cafes typically provided three arguments for why their business was not in violation of existing state law: 1) operators argued that their services did not constitute an illegal lottery because there is no consideration paid for the sweepstakes entries, as they are only an incidental byproduct of the sale of internet time or phone cards; 2) operators argued that their sweepstakes have predetermined outcomes and that therefore there is no illegal element of chance, and 3) operators argued that their operations are protected by Section 849.094, Florida Statutes, that allows certain "game promotions" offered in conjunction with the sale of consumer products and services.

In April 2013, the Florida Legislature enacted Chapter 2013-2, Laws of Florida, to further clarify that internet gaming/gambling businesses are in fact unlawful in the State of Florida. Both the Chapter Law and the Final

Bill Analysis are provided in the back-up to this agenda item. In the Chapter Law, the Legislature declared that Section 849.01, Florida Statutes, "specifically prohibits the keeping or maintaining of a place for the purpose of gambling or gaming" and "found that there is a compelling state interest in clarifying the operation and use of ss. 849.0935, 849.094, and 849.161, Florida Statutes, to ensure that a charitable drawing by chance, game promotion in connection with the sale of a consumer product or service, and arcade amusement games are not subject to abuse or interpreted in any manner as creating an exception to Florida's general prohibitions against gambling."

Shortly after the passage of the 2013 legislation, the internet cafes within the City of Gainesville closed their operations. However, since that time, the City Planning and Development Services Department has received applications for and has issued six zoning compliance permits for internet cafes under a permitted, broad use category such as MG-79 "amusement and recreation services." Of the six, it appears that only two internet cafes have re-opened in the City. One of these has been shut down after the Gainesville Police Department conducted an investigation, executed search warrants and seized the business assets. Criminal charges are pending against the business and its owner/operators. The second ceased its business operations upon learning that it was being investigated by the Gainesville Police Department.

Despite the 2013 state legislation, there is no statewide law enforcement effort to shut down internet café operations, effectively leaving local law enforcement to enforce the state law. As a result, the Gainesville Police Department recommends the City Commission take the proactive local approach of adopting an ordinance to prohibit internet cafes and other such businesses, however named, that feature types of electronic gambling/gaming payoff devices. Several local governments in Florida have adopted such ordinances. These ordinances seek to (1) eliminate any perceived ambiguity that internet sweepstakes operations are somehow legal under Chapter 849, Florida Statutes; (2) operate in harmony with existing state gambling laws; and (3) avoid inadvertently prohibiting lawful internet access businesses and games and gambling simulations not involving commercial payouts (e.g., smartphone applications, home video games, arcade games, etc.).

RECOMMENDATION

The City Commission: 1) direct the City Attorney to draft, and the Clerk of the Commission to advertise, an ordinance enacting a 6-month moratorium on the filing, acceptance, or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the construction or operation of any internet gaming/gambling business within city limits, unless an application for such official action was properly filed with the City on or before 5:00 p.m. on January 16, 2014; and 2) direct the City Attorney to draft, and the Clerk of

the Commission to advertise, an ordinance prohibiting internet gaming/gambling businesses within city limits.

[130633A HB 155 - Final Bill Analysis 20140116.pdf](#)

[130633B Chapter 2013-2 Laws of Florida 20140116.pdf](#)

GENERAL MANAGER FOR UTILITIES

[130621.](#)

Initiate the Search for a General Manager - Utilities (NB)

Explanation: Bob Hunzinger, General Manager-Utilities, resigned from his employment with the City effective November 15, 2013. In order to hire a new General Manager, it is necessary to initiate a search to find suitable candidates to fill this position.

Fiscal Note: There is no fiscal impact at this time.

RECOMMENDATION

The City Commission direct the Human Resources Department to develop a plan to initiate the search for a General Manager - Utilities to be presented to the Commission for approval at a future date.

[130582.](#)

City of Gainesville Ordinance Section 27-28, Fuel Adjustment, Revision (B)

Explanation: At the direction of the City Commission, the City Attorney issued a memo regarding the fuel adjustment levelization use and the methodology in practice by staff for the calculation of the fuel adjustment and use of the levelization. The City Attorney recommended that the ordinance related to the fuel adjustment be modified to more clearly reflect the method that was in practice and to clarify the General Manager's authority related to the levelization balance. On June 24, 2013, the Regional Utilities Committee heard a presentation from staff and held a public discussion regarding the fuel adjustment and associated levelization balance policies. On July 18, 2013, staff presented an update on the fuel adjustment levelization balance and the commission directed staff to lower the fuel adjustment charge for the months of August and September 2013, due to the size of the levelization balance. Additionally, the City Commission discussed fuel adjustment levelization policies at the July 18th City Commission Meeting. On September 19, 2013, staff presented an update on the fuel adjustment levelization balance and advised on the status of the commercial operation date for GREC being delayed until December. In response to this update and the impact on the levelization balance, the City Commission directed staff to set the fuel adjustment to 54 mills for the months of October and November 2013 and then return to the budgeted rate of 71 mills for the remainder of the fiscal year 2014.

RECOMMENDATION

The City Commission 1) receive a presentation from staff; and 2) direct the City Attorney to draft and the City Clerk to advertise revisions to the City of Gainesville Ordinance Section 27-28 as recommended.

Legislative History

12/19/13 City Commission Continued

[130582 FA Ordinance Revision Presentation20140116](#)

CITY ATTORNEY

[130642.](#)

City Attorney Memorandum re: Equitable Adjustment for Change of Law of the Power Purchase Agreement (NB)

Modification - Added to the Agenda

Explanation: On December 19, 2013, the City Attorney provided a memorandum to the City Commission that explained the inquiry conducted by the City Attorney into the Equitable Adjustment document, and the discovery of another document (a "Consent and Assignment") that includes amendments to the PPA and explored whether it would be advisable to bring legal action to invalidate the Equitable Adjustment as an ultra vires act of the former General Manager for Utilities. The City Attorney concluded that legal action would not likely be successful and recommended further policy actions that could help prevent a similar situation in the future. However, the memorandum acknowledged it is up to the City Commission whether it desires to initiate a legal challenge and that GRU staff would anticipate placing GREC on notice that the portion of payments made under the PPA that are attributable to the Equitable Adjustment would be paid "under protest," pending City Commission action on this matter.

GRU received the first invoice for post-"commercial operations" power from GREC and the City Attorney's Office discussed the anticipated payment under protest with the Chief Financial Officer (CFO) for GREC. The CFO responded that "as discussed, GREC's receipt of a letter or other indication from GRU that payments are made "under protest" or otherwise casting doubt on the legality of payments under the PPA, as modified by the Equitable Adjustment, would cause real monetary damages to GREC as it would cause adverse consequences under GREC's existing financing arrangements and contemplated re-financings and/or in connection with a potential sale." "It is our hope that, especially in light of the City Attorney's position, GRU will make the full payment owed without any qualification that will cause damages to GREC for which GRU and the City will be liable."

The City Attorney brings this item for the purpose of requesting City

Commission action on the memorandum and to inform the City Commission of GREC's position concerning payment.

RECOMMENDATION

The City Commission: 1) Hear a brief presentation from the City Attorney; 2) confirm that the City Commission does not desire to initiate litigation seeking to invalidate the Equitable Adjustment as an ultra vires act, such that would require payments to be made under protest at this time; and 3) refer the recommendations contained in the memorandum to the Audit, Finance and Legislative Committee to be taken up as part of the pending referral (made by the City Commission on December 5, 2013) concerning an audit of GRU.

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[130630.](#)**Gainesville SIATech and MYcroSchool National School Choice Week
- January 26 - February 1, 2014 (B)****RECOMMENDATION**

SIATech Principal Christal Blue, SIATech Board President Alena Lawson, MYcroSchool Principal Randy Starling and MYcroSchool Board President Gerald Zagaiski to accept the proclamation.

[130630_SchoolChoice_20140116.pdf](#)

[130629.](#)**Human Trafficking Awareness Month - January 2014 (B)****RECOMMENDATION**

Alachua County Coalition Against Human Trafficking Leadership Team Member and United Methodist Women Human Trafficking Committee at Trinity UMC Chair Marie Samec, Child Advocacy Center President/CEO Sherry Kitchens and Alachua County Coalition Against Human Trafficking Education Committee Chair Megan Murphy-Menezes to accept the proclamation.

[130629_HumanTrafficking_20140116.pdf](#)

[130627.](#)**Mentoring Awareness Month - January 2014 (B)****RECOMMENDATION**

Equal Opportunity Director Cecil Howard to accept the proclamation.

[130627_MentoringAwareness_20140116.pdf](#)

[130628.](#)**Gainesville Enrichment Mentoring (GEM) Program (B)****RECOMMENDATION**

The City Commission recognize The City of Gainesville Office of Equal Opportunity Gainesville Enrichment Mentoring (GEM) Program students Reshyria Clark Quichanna Foster Landon Manchester Raneisha Boston Capresha King Dederick Johnson Shantreal Buggs Trey Milne Timothy Miles Gerala Campbell Willie Lake Emmanuel Lewis Davion Smith Damien McPhadden Aiyanna Carey Curtis Smith Maria Bautista for signing contracts and are now designated as GEM Mentees.

[130628_GEM_20140116.pdf](#)

[130620.](#)

Presentation to United Way of North Central Florida on Behalf of General Government and GRU Employees (NB)

This is a request for the City Commission to allow staff to make a presentation to the United Way of North Central Florida.

ESTIMATED STAFF PRESENTATION 10 MINUTES

Explanation: Beyond regular work duties, many General Government and GRU employees seek to support the Gainesville community in a variety of ways including volunteering for non-profit organizations and providing financial support for the efforts of these organizations. The City of Gainesville facilitates the ability of employees to provide financial contributions through the annual United Way Workplace Charitable Giving Campaign.

The City allows employees to make contributions to the Campaign through payroll deduction and one-time contributions. The recently concluded fall 2013 Campaign raised a total of \$103,572.20. The funds raised through the General Government and GRU campaigns constitute one of the largest contributions by organizations participating in the United Way of North Central Florida's Workplace Charitable Giving Campaign.

Representatives of General Government and GRU will make a presentation to the United Way of North Central Florida.

Fiscal Note: Contributions are made by individual employees through payroll deduction or one-time contributions.

RECOMMENDATION

General Government and GRU employees make a presentation to the United Way of North Central Florida.

CITIZEN COMMENT (6:00pm)

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

[130589.](#)

Qualified Target Industry (QTI) Amended Resolution - ONESIXTYOVERNINETY, INC. (B)

This item seeks City Commission approval for an amended QTI Resolution previously approved by the City Commission to adjust timing associated with prospective job creation for the location of a regional headquarters within the City of Gainesville for ONESIXTYOVERNINETY, INC, a branding and public relations

agency.

Explanation: ONESIXTYOVERNINETY, INC., a branding and public relations agency has established a regional headquarters within the City of Gainesville that will create 35 branding/advertising jobs and was approved by the City Commission for local QTI participation in August, 2013.

In this particular case, ONESIXTYOVERNINETY, INC. has indicated that it will create up to 35 net new jobs at an average wage of approximately \$90,000 at its current location in downtown Gainesville. This firm has pledged a capital investment of approximately \$500,000 over three years regarding the new location in addition to the proposed job creation.

The QTI incentive is a state tool available to Florida communities to encourage job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various State taxes they pay including corporate, sales, ad-valorem, insurance premium and other taxes. The QTI incentive is performance based and the firm will only receive funds based upon jobs created and meeting other criteria as required by Florida statute.

Due to the incentive calculated per job (\$6,000 for location in Enterprise Zone and \$2,000 for creation of wages at 200% of the average Alachua County wage) the total incentive would be \$280,000. Of this, the City would be asked to provide a 10% match (\$28,000) over a period of three years with an equal 10% match (\$28,000) coming from Alachua County for a total local match of \$56,000.

The Gainesville Area Chamber of Commerce and its economic development arm, the Council for Economic Outreach (CEO) have worked with ONESIXTYOVERNINETY, INC and recommends approval of this request.

Fiscal Note: If this item is approved, the City Commission agrees to budget and appropriate up to \$28,000 over three years in the event that tax refunds are approved by the state.

RECOMMENDATION

The City Commission: 1) adopt the Amended QTI Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the Amended QTI Resolution regarding ONESIXTYOVERNINETY, INC.; and 3) direct the City Manager to forward the executed Amended QTI Resolution to Enterprise Florida.

[130589A_Resolution ONESIXTYOVERNINETY_20140116.docx.pdf](#)

[130589B_August 2013 Resolution_20140116.pdf](#)

[130608.](#)

**Qualified Target Industry (QTI) Amended Resolution - BioMonde
(B)**

This item seeks City Commission approval for an amended QTI Resolution previously approved by the City Commission to adjust timing associated with prospective job creation for the location within Gainesville of BioMonde, a British larval therapy company, providing debridement treatments to the US wound care market.

Explanation: BioMonde, a larval therapy company providing debridement treatments to the US wound care market was approved by the City Commission for local QTI participation in June, 2013 for the establishment of a business unit within the City of Gainesville that would create 18 manufacturing, sales and marketing and administration jobs.

In this particular case, BioMonde has indicated that it will create up to 18 net new jobs at an average wage of approximately \$52,500 at the Innovation Hub. This firm has pledged a capital investment of approximately \$825,000 over five years regarding the new location in addition to the proposed job creation.

The QTI incentive is a state tool available to Florida communities to encourage job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various State taxes they pay including corporate, sales, ad-valorem, insurance premium and other taxes. The QTI incentive is performance based and the firm will only receive funds based upon jobs created and meeting other criteria as required by Florida statute.

Due to the incentive calculated per job (\$6,000 for location in Enterprise Zone; \$1,000 for creation of wages at 150% of the average Alachua County wage; and \$2,000 for jobs located in an Enterprise Florida designated High Impact Business Sector) the total incentive would be \$162,000. Of this, the City would be asked to provide a 10% match (\$16,200) over a period of three years with an equal 10% match (\$16,200) coming from Alachua County for a total local match of \$32,400.

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

Fiscal Note: If this item is approved, the City Commission agrees to budget and appropriate up to \$16,200 over three years in the event that tax refunds are approved by the state.

RECOMMENDATION

The City Commission: 1) adopt the Amended QTI Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the Amended QTI Resolution regarding BioMonde; and 3) direct the City Manager to forward the executed Amended QTI Resolution to Enterprise Florida.

[130608A Resolution BioMonde 20140116.docx.pdf](#)

[130608B June 2013 Resolution 20140116.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****PLAN BOARD PETITIONS**[130514.](#)**13th Street Mixed-Use Planned Use District Amendment (B)**

Petition PB-13-86 LUC. Causseaux, Hewett & Walpole, Inc., agent for RBLWP Parcel D, LLC, and D. Bruce and Kristin S. Hawkins. Amend an existing Planned Use District and amend the City of Gainesville Future Land Use Map from Residential Low-Density to Planned Use District. Located at 303-319 Northwest 13th Street, 1227 Northwest 4th Avenue, and 1226 NW 3rd Avenue. Related to Petition PB-13-85 PDA. *ESTIMATED STAFF PRESENTATION 10 MINUTES*

Explanation: This petition requests an amendment to an existing planned use district to reduce the height regulations, increase allowable residential units, and clarify provisions for non-residential square footage. It also includes a request for the addition of another parcel to that planned use district. The future land use map designation for the added parcel will change from RL (Residential Low-Density up to 12 units per acre) to PUD (Planned Use District). The new parcel at 1226 NW 3rd Avenue is currently developed with a single-family residence.

The purpose of the proposed land use amendment (and related PD rezoning petition) is to enable the applicant to apply for a mixed-use redevelopment project that would include commercial and multiple-family residential uses. The PUD land use category may be applied on any specific property in the City. The category was created to allow the consideration of unique, innovative or narrowly construed land use proposals that because of the specificity of the land use regulations can be found to be compatible with the character of the surrounding land uses. The district allows for a mix of residential and non-residential uses and/or unique design features which may not otherwise be allowed in the underlying land use category.

The following are the changes recommended to the existing approved PUD:

- Remove the separate requirement for 20,000 square feet of office, and clarify that a total of 26,000 square feet of 'non-residential uses' are allowed.*
- Increase the maximum number of multiple-family units from 168 to 202, and increase the maximum number of bedrooms from 230 to 288.*
- Reduce the overall maximum building height from 8 stories to 6 stories, and 106 feet to 85 feet.*

- Allow for the maximum building height to extend further to the east.

The staff recommendation is based on the factors stated in the Future Land Use Element and on State statute criteria, which are: Conformance with the Comprehensive Plan; Compatibility and surrounding land uses; Environmental impacts and constraints; Infill and redevelopment; Impacts on Affordable Housing; Impacts on the transportation system; An analysis of the availability of facilities and services; Need for the additional acreage in the proposed future land use category; Discouragement of urban sprawl; Need for job creation, capital investment, and economic development; Need to modify land use categories and development patterns within antiquated subdivisions.

The City Plan Board considered Petition PB-13-86 at a public hearing held on October 24, 2013. By a vote of 5-1, the City Plan Board recommended approval of the petition.

Public notice for this petition was published in the Gainesville Sun on October 8, 2013. Letters were mailed to surrounding property owners on October 8, 2013.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-13-86.

Staff to City Plan Board - Approve Petition PB-13-86.

Alternative Recommendation - Approve Petition PB-13-86 with revised conditions.

Legislative History

12/19/13 City Commission Continued (Petition)

[130514A CPB conditions 20131219.pdf](#)
[130514B Staff report 20131219.pdf](#)
[130514C Append A Comprehensive Plan GOPs 20131219.pdf](#)
[130514D Append B Reference Maps 20131219.pdf](#)
[130514E Append C Application and Neighborhood Workshop information 20131219.pdf](#)
[130514F Appned D Comprehensive Plan Amendment Report 20131219.pdf](#)
[130514G CPB minutes draft 20131219.pdf](#)
[130514H staff ppt 20131219.pdf](#)
[130514A CPB conditions 20140116.pdf](#)
[130514B Staff report 20140116.pdf](#)
[130514C Append A Comprehensive Plan GOPs 20140116.pdf](#)
[130514D Append B Reference Maps 20140116.pdf](#)
[130514E Append C Application and Neighborhood Workshop information 20140116.pdf](#)
[130514F Appned D Comprehensive Plan Amendment Report 20140116.pdf](#)
[130514G CPB minutes draft 20140116.pdf](#)
[130515H staff ppt 20140116.pdf](#)
[130514 and 130515 MOD PRES 20140116 CCPH.pdf](#)

130515.

13th Street Mixed-Use Planned Development Amendment (B)

Petition PB-13-85 PDA. Causseaux, Hewett & Walpole, Inc., agent for RBLWP Parcel D, LLC, and D. Bruce and Kristin S. Hawkins. Planned Development Amendment to allow construction of a mixed-use development zoned PD (Planned Development district); and rezone property from RMF-5 (12 units/acre single-family/multiple-family residential district) to Planned Development district (PD). Located at 303-319 Northwest 13th Street, 1227 Northwest 4th Avenue, and 1226 NW 3rd Avenue. Related to Petition PB-13-86 LUC. *ESTIMATED STAFF PRESENTATION 20 MINUTES*

Modification - Revised Power Point

Explanation: This petition requests an amendment to an existing planned development, and the addition of another parcel to that planned development. The existing PD property totals approximately 1.53 acres in size, and the new parcel will add another 0.14 acres at the southeast corner. The new parcel at 1226 NW 3rd Avenue is currently developed with a single-family residence. Both the new parcel and the approximately 0.3-acre parcel located at 1227 NW 4th Avenue are located within the University Heights Historic District-North, and both structures are considered contributing structures to the historical character of the district. The remainder of the property is developed with several small commercial buildings. All four of the parcels that

comprise the 1.53-acre property are located within the Traditional City Special Area Plan area and the Fifth Avenue/Pleasant Street Redevelopment Area.

The purpose of the proposed planned development amendment (and related land use amendment) is to enable the applicant to construct a mixed-use redevelopment project that would include commercial and multi-family residential uses. The attached PD Report outlines the proposed permitted uses within the development and some basic design standards. The allowed uses are a subset of the uses currently allowed by the UMU-2 zoning district, omitting certain uses such as rooming houses, day care facilities, limited automotive services, and hardware stores. The PD report describes a 6-story building on the site that will transition to a lower height to the east adjacent to the University Heights North neighborhood. The building will utilize a parking garage that will be accessed from entrances on NW 3rd and 4th Avenues. Solid waste collection and freight access will be contained within the garage.

A basic layout for the site is shown on the PD Layout Map, which depicts the building envelope and setbacks from the streets and from the adjacent properties to the east. Development standards are also listed on the layout map, including the intensity of uses, maximum building height, building coverage, and setbacks. New building elevations are also included with this proposed amendment.

The major revisions from the existing approved PD include:

- Reduction of the overall maximum building height from 8 stories to 6 stories, and 106 feet to 85 feet.
- An allowance for the highest portion of the building to extend further to the east (by approximately 50 feet), and for the parking garage to extend further to the east (by approximately 75 feet). This is made possible by the incorporation of the additional parcel.
- Removal and relocation of a second historic house from the additional parcel.
- An increase in the maximum number of multiple-family units from 168 to 202, and an increase in the maximum number of bedrooms from 230 to 288.
- Removal of 20,000 square feet of office, and clarification that a total of 26,000 square feet of 'non-residential uses' are allowed.
- Removal of a requirement to preserve an existing 56" heritage live oak tree on the site.
- Revision of the building elevations and removal of requirements for exterior building materials to be a combination of brick, stone and stucco.

Staff has found this proposal to meet the minimum requirements for a rezoning to the planned development district within Section 30-213 of the Land Development Code, and to be consistent with the criteria for review of planned developments in Section 30-216.

The City Plan Board considered Petition PB-13-85 at a public hearing

held on October 24, 2013. By a vote of 5-1, the City Plan Board recommended approval of the petition, with minor changes to a PD condition, and with direction to the applicant to provide revised building elevations prior to the City Commission hearing.

Public notice for this petition was published in the Gainesville Sun on October 8, 2013. Letters were mailed to surrounding property owners on October 8, 2013.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-13-85 with staff recommendation as modified.

Staff to the City Plan Board - Approve Petition PB-13-85 with staff recommendation.

Alternative Recommendation - Approve Petition PB-13-85 with revised conditions.

Legislative History

12/19/13 City Commission Continued (Petition)

[130515A CPB conditions 20131219.pdf](#)

[130515B Revised elevations 20131219.pdf](#)

[130515C Staff report 20131219.pdf](#)

[130515D Append A Application and Workshop information 20131219.pdf](#)

[130515E Append B Supplemental Documents 20131219.pdf](#)

[130515F Append C TRC Comments 20131219.pdf](#)

[130515G CPB Minutes draft 20131219.pdf](#)

[130515H staff ppt 20131219.pdf](#)

[130515A CPB conditions 20140116.pdf](#)

[130515B Revised elevations 20140116.pdf](#)

[130515C Staff report 20140116.pdf](#)

[130515D Append A Application and Workshop information 20140116.pdf](#)

[130515E Append B Supplemental Documents 20140116.pdf](#)

[130515F Append C TRC Comments 20140116.pdf](#)

[130515G CPB Minutes draft 20140116.pdf](#)

[130515H staff ppt 20140116.pdf](#)

[130515H-MOD Staff PPT 20140116.pdf](#)

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)