

City of Gainesville

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



Meeting Agenda - Final

September 4, 2014

1:00 PM

Modified Agenda

City Hall Auditorium

City Commission

*Mayor Ed Braddy (At Large)
Commissioner Lauren Poe (At Large)
Commissioner Helen Warren (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Mayor-Commissioner Pro Tem Todd Chase (District 2)
Commissioner Craig Carter (District 3)
Commissioner Randy Wells (District 4)*

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

CALL TO ORDER**AGENDA STATEMENT**

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

ROLL CALL**INVOCATION****Prophet George Young****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS**[130650.](#)**Tree Advisory Board and Tree Board of Appeals By-laws (B)**

This is a request for the City Commission to approve the By-laws for the Tree Advisory Board and the By-laws for the Tree Board of Appeals.

Explanation: The Tree Advisory Board and Tree Board of Appeals were created by Ordinances in January 1990 and April 1989 respectively. The Tree Advisory Board serves in a technical advisory capacity in matters involving tree regulations and ordinances, City Commission tree-related referrals, creation of a Master Tree Plan, and goals and objectives for the City's Comprehensive Plan with respect to trees.

The Tree Board of Appeals hears appeals regarding dangerous or dead trees designated for removal. By-laws were developed and adopted by the Tree Advisory Board and Tree Board of Appeals on June 9, 2014.

RECOMMENDATION

The City Commission approve the Tree Advisory Board and Tree Board of Appeals By-laws.

[130650A TAB Bylaws 20140904.pdf](#)

[130650B TBA Bylaws 20140904.pdf](#)

[140258.](#)

Alcohol Sales and Consumption for Permitted Events at the Bo Diddley Community Plaza (B)

This item involves a request for the City Commission to approve Bo Diddley Community Plaza as a City-owned property eligible for special event sales of alcohol.

Explanation: The City Commission approved a new ordinance relating to the sale, dispensing, consumption, and possession of alcoholic beverages on second reading on March 6, 2014. The ordinance was intended to provide a comprehensive approach to temporary special event sales of alcohol and to consolidate relevant provisions in one section of the City Code of Ordinances. The ordinance provides for issuance of alcohol event permits for the temporary sale of beer, wine and other alcoholic beverages.

The ordinance allows the City Commission to determine which parcels of City-owned property can be made available for special event sales of alcohol. In the presentation of the ordinance to the City Commission, a few examples of City-owned properties were provided as examples that staff felt would be appropriate for such events. These City-owned properties included the Bo Diddley Community Plaza, Parking Lot 10 and Parking Lot 13.

At this time, staff is recommending that the Bo Diddley Community Plaza be approved as a City-owned property eligible for special event sales of alcohol. Alcohol is currently permitted at the Lunchbox Café on the Plaza and events on adjoining streets are eligible for special event sales of alcohol such as United Downtown.

Fiscal Note: There is no fiscal impact expected. Special events are evaluated for the City services needed to support them and the cost of these services is paid by those receiving permits for the events.

RECOMMENDATION

The City Commission approve Bo Diddley Community Plaza as a City-owned property eligible for special event sales of alcohol.

[140258 Alcohol Ordinance 20140904.pdf](#)

[140234.](#)

Authorization to Purchase Equipment for the Gainesville Police Department using Federal Law Enforcement Contraband Forfeiture Trust Funds (B)

This is a request for City Commission authorization to purchase

SWAT Tactical vests for the SWAT Unit

Explanation: This item requests that the City Commission appropriate and expend an amount not to exceed \$52,250 from the Federal Law Enforcement Contraband Forfeiture Fund for the purchase of 16 tactical vests for the SWAT Unit and 3 vests for the K-9 Unit. Currently, the vests that SWAT has will expire on September 30, 2014. Vests are good for five years.

Fiscal Note: Funding in the amount of \$52,250, is available from the Federal Law Enforcement Contraband Forfeiture Trust Fund. Based on the Comparative Balance Sheet dated June 30, 2014, the available balance of this account is \$1,074,995.

RECOMMENDATION The City Commission authorize the appropriation of an amount not to exceed \$52,250 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of 19 Tactical Vests.

[140234 SWATVestsQuote 20140904](#)

[140271.](#)

Agreement between the School Board of Alachua County and The City of Gainesville for Teachers at the Reichert House (B)

This is a request for the City Commission to approve an agreement between the School Board of Alachua County and the City of Gainesville for teachers at the Reichert House.

Explanation: The School Board of Alachua County and the City of Gainesville desire to work together to provide teachers to the Reichert House for an afterschool program designed for Alachua County youth ages 12 - 17 in need of assistance. The School Board is willing to provide reimbursement for the salary for three (3) part-time teachers. The Gainesville Police Department currently has three temporary part time slots for the school teachers. Prior to this arrangement being proposed the School Board through the 21st Century Grant would reimburse the City for three part time school teachers for tutoring services at the Reichert House. The 21st Century Grant ended on July 31, 2014.

Fiscal Note: The City would be reimbursed up to \$80,000 for three teachers performing educational services at the Reichert House.

RECOMMENDATION The City Commission: approve the agreement between the City of Gainesville and the School Board of Alachua County for the three teacher positions to be reimbursed subject to approval of the City Attorney as to form and legality.

[140271 MOU for Teachers at Reichert 20140904](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS[140260.](#)**KEVIN RODRIGUEZ VS. GAINESVILLE REGIONAL UTILITIES; FCHR NO.: 201401283 (NB)**

Explanation: On August 14, 2014, the City of Gainesville received a Charge of Discrimination from the Florida Commission on Human Relations. Mr. Kevin Rodriguez, a former City employee, alleges that he has been discriminated against based on his disability in violation of the Americans with Disabilities Act.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Kevin Rodriguez vs. Gainesville Regional Utilities; FCHR No.: 201401283.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS[140261.](#)**January 1, 2015 Meeting (NB)****RECOMMENDATION**

The City Commission cancel the January 1, 2015 meeting.

[140265.](#)**Appointments to the City Commission Advisory Boards and Committees (NB)****RECOMMENDATION**

The City Commission appoint:
Bruce Frendahl to the Bicycle/Pedestrian Advisory Board for a term to expire 12/31/18
Benjamin Meyers to the Board of Adjustment for a term to expire 11/1/17
Fletcher Crowe and Jabari Taylor to the City Beautification Board for a term to expire 11/1/17
John Murdoch to the Fire Safety Board of Adjustment for a term to expire 11/1/17
Barbara Sharpe to the Gainesville/Alachua County Regional Airport Authority for a term to expire 7/31/17
Bill Warinner and James Reeves to the Historic Preservation Board for a term to expire 6/1/17
Dave Miller to the Nature Centers Commission for a term to expire 11/1/17
Pam Burns and Joseph Lowry to the Pension Review Committee for a term to expire 7/31/19
Susan Bottcher and Rita Puentes to the Public Recreation and Parks Board for a term to expire

6/1/17

Zachery Andrews to the Regional Transit System
Advisory Board for a term to expire 9/30/17.

[140266.](#)

**Resignation of James Lasley from the Gainesville/Alachua County
Cultural Affairs Board (B)**

RECOMMENDATION

*The City Commission accepts the resignation of
James Lasley, effective immediately.*

[140266_ResigJamesLasley_20140904.pdf](#)

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

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

[130353.](#)

Sister Cities Pavilion (B)

This item involves a recommendation from the Recreation, Cultural Affairs and Public Works Committee to approve the site location for the placement of an interim Sister Cities Pavilion on the City Hall grounds near the Clock Tower.

Explanation: On October 3, 2013, the City Commission referred the issue of locating and building a Sister Cities Pavilion to the Recreation, Cultural Affairs and Public Works Committee for discussion. The Committee first discussed this on November 25, 2013, and again on July 31, 2014. Gainesville Sister Cities Director Steve Kalishman expressed interest in working with the City on locating and building a Sister Cities Pavilion in a City park. The concept is to create a prominent focal point in a City park that symbolizes the City's sister city relationships. At the Committee meeting, Mr. Kalishman conveyed that this concept could evolve to become a showcase for not just sister city relationships but Gainesville's many international connections. He indicated that there could eventually be a building that could house/display gifts received from sister cities and become a focal point for meetings with international delegations, etc.

Mr. Kalishman is seeking the City's support in finding an interim location for a Sister Cities Pavilion with signs/monuments to Gainesville's sister city relationships and landscaping. The Pavilion would be a place to visit with delegations from Gainesville's Sister Cities. Mr. Kalishman has indicated that he will work with the business community and others to raise funds for the signs/monument and landscaping for the interim

location. He would also like to work with the City on a permanent location that would have the potential for a future building that could also be funded through partnerships and donations.

In discussing potential interim locations, City staff felt that a downtown location was important in terms of prominence, visibility and ease of access by pedestrians, bikes, transit and cars. Two downtown locations were discussed as possibilities including the City Hall grounds and Lynch Park. Mr. Kalishman worked with city staff to identify a suitable location, and proposed utilizing an area on City Hall grounds. Staff identified a potential area near the Clock Tower that is currently being maintained by Florida Organic Growers (FOG) as an organic garden. When approached by staff, FOG was agreeable to work with staff to find a different location for the organic garden, if the Commission approves this location for the proposed Sister Cities Pavilion. The RCAPW Committee unanimously agreed to recommend that the City Commission authorize the placement of an interim Sister Cities Pavilion at the City Hall grounds near the Clock Tower as proposed by staff.

RECOMMENDATION

The City Commission: 1) approve the site location for the placement of an interim Sister Cities Pavilion on the City Hall grounds near the Clock Tower; 2) direct the City Manager to develop and execute an agreement with Gainesville Sister Cities for the construction and installation of the Sister Cities Pavilion, subject to approval by the City Attorney as to form and legality; and 3) remove this item from the Recreation, Cultural Affairs and Public Works Committee referral list.

Legislative History

10/3/13	City Commission	Approved as Recommended
11/25/13	Recreation, Cultural Affairs and Public Works Committee	Discussed
7/31/14	Recreation, Cultural Affairs and Public Works Committee	Approved as shown above (See Motion)

[130353 Jul 31 RCAPW Minutes 20140904.pdf](#)

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

[140220.](#)

Review of CDBG/Home Funds (B)

Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office has completed a Review of CDBG/HOME Funds. The primary objective of our audit was to evaluate the system of management control over the

CDBG/HOME funding process to ensure these funds are adequately monitored and regulations complied with. During our review we interviewed key personnel, analyzed operating data and evaluated management controls.

Based on the results of our review, we believe the Housing & Community Development Division has strong management controls in place over the CDBG/HOME funding process. The attached report provides five recommendations which we believe will help to strengthen management controls related to monitoring recipients and obtaining adequate documentation related to compliance and reporting.

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

RECOMMENDATION *The Audit, Finance and Legislative Committee recommends the City Commission:
Accept the City Auditor's report and the response from the City Manager; and
Instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

[140220 CDBG-HOME Funds Final Audit Report with attachments 20140819.p](#)

[140221.](#)

GRU Interim Financial Statements (B)

RECOMMENDATION *The Audit, Finance and Legislative Committee recommends the City Commission accept the GRU Interim Financial Statements for the period ended June 30, 2014.*

[140221 June Interim Financial Statements 20140819](#)

[140222.](#)

Fiscal Year 2014 Operating Funds Quarterly Monitoring Report - Quarter Ending June 30, 2014 (B)

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

RECOMMENDATION *The Audit, Finance and Legislative Committee*

recommends the City Commission receive the quarterly budget monitoring report for the quarter ended June 30, 2014.

[140222 3rd Qtr Report-Final 20140819.pdf](#)

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CITIZEN COMMENT (not to exceed 30 minutes in length)

CITY COMMISSION COMMENT (if time available)

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

[140274.](#)

C. R. Layton United States Army Reserve Center Update (B)

This item provides an update on the status of the C. R. Layton United States Army Reserve Center. **ESTIMATED STAFF ORAL UPDATE 10 MINUTES**

Explanation: In 1950, the City of Gainesville conveyed title for 6.8 acres of vacant property located at 1125 Northeast 8th Avenue to the Federal government. The US Army developed the property into a 35,625 square foot Army Reserve Center that was completed in 1953. The deed of conveyance contained a reverter clause indicating that the property would revert back to the City of Gainesville if no longer needed by the Federal government. Over 60 years later, in late 2011, the City was notified the property was no longer needed and would be conveyed to the City.

The City was provided with an Environmental Condition of Property Update Report that was prepared for the US Army in 2010. This report identified issues in the building that would need to be addressed prior to any future reuse of the building. These issues include asbestos, lead paint and mold. Staff felt it was in the best interests of the City to complete further testing and assessment of the property. The City

conducted a Phase II Environmental Assessment of the property.

Based on the testing results of soil and ground water, Water & Air Research, Inc. concluded no adverse impacts were detected. However, based on air samples acquired at various locations throughout the facility, primarily two locations were found to have moderate mildew spore types which were similar to outdoor samples. Water & Air Research recommended running the air conditioning system to lower the moisture in the air and cleaning any obvious areas of mold before occupancy.

The US Army determined that a more detailed asbestos study was needed which was completed in summer 2013. Based on that study, staff arranged for further evaluation to better understand the actions that would be necessary and estimated costs for addressing the asbestos and lead paint in the building. Staff believes that regardless of future use, any significant renovation of the building should include removal of the asbestos and lead paint. As indicated above, the reports indicate that mold can be addressed through proper cleaning and maintenance of the building.

City staff had hoped to have removal of the asbestos and lead paint addressed by the US Army. City staff received recent communication of the US Army's intent to remediate the friable asbestos in the building which will likely be accomplished through encapsulation. The City Commission also added the US Army Reserve property to the City's legislative agenda in the hopes of receiving federal funding to address the costs of remediating the asbestos and lead paint. Staff estimates the total costs for remediation of the asbestos and lead paint could be up to \$350,000.

The US Army has also indicated its intent to execute a Notice of Reverter Event which per the 1950 deed will convey ownership back to the City after the asbestos is encapsulated in the next 30 - 60 days. The City Commission has budgeted funds to address one-time clean-up of the grounds and basic ongoing maintenance of the grounds and building to prevent further deterioration. The City Commission has also tentatively approved \$163,000 in the Capital Improvement Plan to help address remediation costs for the building. City staff would not proceed with expenditure of these funds for remediation until the City Commission has made a determination on the future ownership/use of the property.

A neighborhood group known as Friends of Reserve Park has been established and meets monthly to address community interest in creation of a neighborhood park dedicated to the "citizen soldier" as well as their interest in plans for future use of the property. There is an existing referral to the Recreation, Cultural; Affairs and Public Works Committee on "Northeast Neighborhood Veterans Memorial Park" (Legislative file 100607). Staff expects to bring an agenda item to the Committee in the near future with a variety of options for determining

future use of the property for Committee discussion and recommendation to the City Commission.

Fiscal Note: The City has \$28,000 budgeted for one-time grounds clean-up and \$20,000 annually for basic grounds and building maintenance to prevent further deterioration. The City Commission has also tentatively approved \$163,000 in the Capital Improvement Plan to help address remediation costs for the building. City staff would not proceed with expenditure of these funds for remediation until the City Commission has made a determination on the future ownership/use of the property.

Costs for any future renovation/re-use of the building have not been identified but would be significant. City Facilities staff expects that the roof would need to be replaced in 5 - 8 years with an estimated cost of \$500,000.

RECOMMENDATION

The City Commission: 1) hear an update from City staff; and 2) provide any direction as appropriate.

[140274A_Site Map_20140904.pdf](#)

[140274B_1950 Warranty Deed_20140904.pdf](#)

[140274C_Dec 10 Environmental Report_20140904.pdf](#)

[140274D_Water & Air Research Reports_20140904.pdf](#)

[140274E_Apr 13 Radiological Site Report_19April13.pdf](#)

[140274F_Jun 13 Asbestos Survey Report_20140904.pdf](#)

[140274G_Jan 14 Asbestos Sampling Report_20140904.pdf](#)

[140274H_Jan 14 Limited ACM Survey Report_20140904.pdf](#)

[140274I_Feb 12 Staff Environmental Assessment_20140904.pdf](#)

[140274J_Jan 14 Army Abatement Memo_20140904.pdf](#)

[140274K_Oct 12 Army Reserve PPT_20140904.pdf](#)

[140274L_Nov 12 CHW Draft Report_20140904.pdf](#)

[140274M_Building Operation Estimate_20140904.pdf](#)

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

[130677.](#)

GRU Governance (B)

Explanation: At its regular meeting on January 16, 2014, the City Commission directed that a workshop and special meeting be scheduled to discuss GRU governance.

On February 4, 2014, the City Commission held a workshop, heard presentations from Barry Moline, Executive Director of the Florida

Municipal Electric Association (FMEA), Jim Stanfield, former CEO of Lakeland Electric and Cynthia Austin, Board member of Jacksonville Electric Authority, received public comment and discussed municipal utility governance options.

On February 11, 2014, the City Commission held a special meeting, further discussed municipal utility governance models, received public comment and directed staff to invite APPA or other experts give a presentation on governance at a future City Commission meeting.

At its regular meeting on March 6, 2014, the City Commission approved placing a GRU Governance item on the March 20, 2014 City Commission regular meeting agenda. At its regular meeting on March 20, 2014, the City Commission further discussed utility governance, heard public comment and referred Commissioner Poe's proposed Governing Board criteria to the City Attorney to create a draft ordinance as a guide/framework for use at a future workshop to be scheduled by the City Clerk.

On April 1, 2014, the City Commission held a workshop, heard a presentation from the City Attorney's Office, discussed the framework for creating an advisory board that would study utility governance for a period of time and report back to the City Commission with recommendations concerning GRU Governance. Commissioners expressed a desire to receive more information from staff regarding an estimated timeline for the advisory board work, topics the advisory board would be expected to examine, identification of a facilitator with expertise in utility governance, and an estimated budget for the board activities.

At its June 2014 Strategic Planning Retreat, the City Commission discussed adding this issue to its Strategic Plan. On September 18, 2014, the City Commission adopted the initiative and added it to the Strategic Plan as Initiative 8.2: Develop New GRU Governance and Oversight Model and Implementation Plan.

Staff from the City Attorney's Office and GRU have worked together to: 1) prepare a draft ordinance to create a governance advisory board; 2) develop a proposed timeline (with associated topics/tasks) for the board's work; 3) estimate a budget for the board's meetings and activities; and 4) identify a professional facilitator to assist with the board's work. Information on these items is provided in the backup to this agenda item.

Fiscal Note: Assuming 6 - 12 meetings of the advisory board, the budget is estimated to be \$11,662 to \$24,346. \$24,000 has been budgeted in the GRU Proposed Budget for FY15.

RECOMMENDATION

The City Commission: 1) review the draft ordinance and provide final policy direction to the City Attorney's Office to finalize an ordinance for first reading on October 2, 2014; 2) authorize the

Clerk of the Commission to advertise the draft ordinance; 3) approve the proposed timeline and sample tasks for the board's work, subject to revision by the facilitator and the advisory board; 4) approve the expenditure of the budgeted funds; and 5) authorize the Interim General Manager of Utilities, or her designee, to execute contracts with the facilitator and such professionals or organizations as are necessary to guide and assist the board in its work, subject to review as to form and legality by the City Attorney.

Legislative History

2/4/14	City Commission	Discussed
2/11/14	City Commission	Approved, as shown above
4/1/14	City Commission	Discussed

[130677 Comm Poe Draft 20140401](#)

[130677 GRU Governance and APPA Workshop 20140401](#)

[130677 GRU Governance Workshop 20140204-Chart.pdf](#)

[130677 GRU Governance Workshop 20140204-FMEA Presentation - Revised](#)

[130677 GRU Governance Memorandum 20140401.pdf](#)

[130677 C Poe back-up 20140401.pdf](#)

[130677 Nathan Skop Presentation 20140401.pdf](#)

[130677a draft language for ordinance 20140904.pdf](#)

[130677b proposed timeline sample tasks 20140904.pdf](#)

[140303.](#)

Florida's Government-in-the-Sunshine Law - Meetings held at locations other than City Hall (B)

Modification - added new item

Explanation: From time to time, the City Commission receives requests to meet at a location other than City Hall. City staff reviews such requests and often offers alternative solutions that more clearly comply with the requirements of Florida's Government-in-the-Sunshine Law. At the Agenda Review meeting on August 27, 2014, several members of the City Commission discussed a recent invitation that the City Commission received to meet with University of Florida representatives on campus. With respect to this request, City management and legal staff has met with UF staff and discussed alternatives for structuring any such meeting in a manner that complies with the Sunshine Law. The Commission members present at the Agenda Review meeting requested that the City Attorney's Office provide an update on the Sunshine Law requirements at the City Commission meeting on September 4.

RECOMMENDATION

City Commission hear a presentation from staff.

[140303_MOD_Sunshine_Law_20140904.pdf](#)

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

PUBLIC SAFETY COMMITTEE

[130932.](#)

Bicycle Registration Program (B)

This item gives a history of the bicycle registration in the City and offers options to be considered if the City moves toward reinstating this program. **ESTIMATED STAFF PRESENTATION 10 MINUTES**

Explanation: At a recent City Commission meeting, Commissioner Hinson-Rawls requested that the City and County jointly speak about a Bicycle Registration Program. In preparation for this discussion, staff was requested to present a history of bicycle registration programs in the City, discuss the statutory enabling legislation for a program of this nature, discuss alternatives of how a program may be useful and provide any history or comparisons to other local governments in Florida for fees charged for such a program and how those fees may be used.

Information Points:

History

- In 1983, there was a mandatory bicycle registration which made anyone utilizing the roadways with a bicycle to get a license.*
- The fee was \$5.00 to register the bicycle and \$1.00 to replace a stolen/damaged decal.*
- The program was developed to assist Law Enforcement in the recovery of stolen bicycles.*
- If a bicycle was located without a legal registration, the bicycle could be impounded for a fee of \$1.00.*
- Civil Citations were charged for any portion of this ordinance with varying fees.*
- Registrations were taken at several firehouses, parks and recreation areas, and the Police Department.*

Other Agencies

- Other Florida Agencies that have bicycle registration programs are Ft. Lauderdale, St. Petersburg, and Daytona Beach. Their programs have*

mandatory registration guided by ordinance with no cost or \$1.00 to register a bicycle.

-All programs are geared towards helping reduce bicycle theft and the recovery of stolen bicycles.

-No impoundment fees are charged for individuals whose bicycles have been impounded.

-These programs are not geared towards increasing funds, they are focused on theft prevention. All the agencies were not promoting this program for bicycle safety or to reduce crashes. There is no crash analysis data to determine if a bicycle registration/license program existed would it impact traffic crashes involving bicycles and bicycle safety. These programs were designed as Law Enforcement tools to recover stolen bicycles, not for road maintenance or bicycle safety.

-Police Departments are responsible for the registration of the bicycles.

Currently

-Both GPD and The University of Florida Police Department have free bicycle registration programs for both students and residents.

-GPD's program is an on-line application. Once completed, a registration sticker is mailed to the applicant.

-UFPD's program mandates that the individuals come to the police station to turn in the application and then they receive a sticker.

-Alachua County Sheriff's Office Crime Prevention Unit is evaluating the potential of teaming up with GPD to have a combined registration program.

Law

-An ordinance could be drafted to establish a mandatory bicycle registration/licensing program for all bicycles in the City. It has been done in several other jurisdictions, but the fees are usually \$1.00 or free.

Pro Argument

-Bicycle registration of all bicycles in the city could assist in the recovery of stolen bicycles and the apprehension of the individuals who stole the bicycle.

Con Argument

-Licensing and Registration could be seen as punitive and costly to a bicyclist instead of a tool to assist law enforcement.

-Deters individuals from cycling

-Lower income individuals may not be able to pay fines or pay for registration/licensing fees.

During a discussion of this referral at the July 28, 2014 Public Safety Committee meeting, GPD staff gave a presentation to include three Florida cities who charge all bicyclists a license fee and have fines in place for those who do not comply.

The members of the Public Safety Committee did not come to a consensus on this referral and requested that the item go to the full City Commission for discussion.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff; 2) provide guidance as appropriate; and 3) remove this item from the Public Safety Committee Referral list.

Legislative History

7/28/14 Public Safety Discussed
 Committee

[130932a_1983 Bicycle Ordinance_20140728](#)

[130932b_Internet Forum about Bicycle Licenses_20140728](#)

[130932c_BicycleRegistrationMemo_20140728](#)

[130932d_Bicycle Registration PPT_20140728](#)

[130932e_StudentsforhteNewUrbanisamLetter_20140728](#)

[130932a_1983 Bicycle Ordinance_20140821](#)

[130932b_Internet Forum about Bicycle Licenses_20140821](#)

[130932c_BicycleRegistrationMemo_20140821](#)

[130932d_Bicycle Registration PPT_20140821](#)

[130932e_StudentsforhteNewUrbanisamLetter_20140821](#)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

[130457.](#)

Skateboard Park (B)

This item involves a recommendation from the Recreation, Cultural Affairs and Public Works Committee to approve a skateboard park pilot project. This would include approval of the suggested site and authorizing the City Manager to develop and execute an agreement for the construction and maintenance of the skate amenities at the site.

Modification - Moved from Consent Agenda to Regular

Explanation: On October 17, 2013, the City Commission made a referral on skateboard parks to the Recreation, Cultural Affairs and Public Works (RCAPW) Committee for further discussion. At the January 27, 2014 RCAPW Committee meeting, the committee authorized staff to develop a plan for a pilot project to install two Skate amenities in the City right-of-way adjacent to a rail-trail, or other appropriate location, not including funding (any information on funding would be provided to the City Commission as it becomes available). Staff was also directed to make a proposal at a future RCAPW Committee to make Skateboard Park funding eligible in the PRCA Master Plan.

City staff worked with Mr. Jimmy Lannon, professional skateboarder,

who expressed interest in assisting with the project development. Staff met with Mr. Lannon and other stakeholders interested in the development of a skateboard park adjacent to the City's rail trail system, and a location off the rail trail (near 635 NW 6th Street) was selected for the conceptual plan to be developed around.

On July 31, 2014, the RCAPW Committee heard an overview of the pilot project and proposed site near GPD next to the Rail Trail, including the advantages of having it near the new GPD building. Staff verified that this site had been discussed with Chief Jones and he was supportive. The Committee reviewed the proposed location and a conceptual mock-up of the type of features that could be included. Mr. Lannon will be working with community stakeholders to raise funds to install and maintain the skateboard amenities in the City right-of-way. The Committee unanimously agreed to recommend that the City Commission designate this parcel for skateboard amenities and move forward with the pilot project.

Once the first pilot project is developed it can be determined how to proceed with a second location.

Fiscal Note: There is no fiscal impact at this time. Any site development will be raised through efforts of Mr. Lannon and the constituents he works with.

RECOMMENDATION

The City Commission: 1) approve the site location for the pilot project; 2) authorize the City Manager to develop and execute an agreement for the construction and maintenance of the skate amenities, subject to approval by the City Attorney as to form and legality; and 3) remove this item from the Recreation, Cultural Affairs and Public Works Committee referral list.

Legislative History

10/17/13	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
1/27/14	Recreation, Cultural Affairs and Public Works Committee	Approved as shown above (See Motion)

[130457 Skateboard Park Site 20140731.pdf](#)

[130457 Jul 31 RCAPW Minutes 20140904.pdf](#)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

[140112.](#)

Commissioner Craig Carter - Parking Tickets (NB)

RECOMMENDATION

The City Commission discuss parking tickets and

take appropriate action.

[140277.](#)

Mayor Ed Braddy - Appointments (NB)

RECOMMENDATION

The City Commission confirm Mayor Braddy's appointment to the Legislative and Organizational Committee and to the Tourist Development Committee.

[140278.](#)

Commissioner Helen Warren - Protection of Antibiotics (NB)

RECOMMENDATION

The City Commission refer protection of antibiotics to the Public Safety Committee.

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

Mr. Bob Gasche

PROCLAMATIONS/SPECIAL RECOGNITIONS

[140262.](#)

General Government and Gainesville Regional Utilities Charitable Giving Months - September and October, 2014 (B)

RECOMMENDATION

United Way Inerim Director to accept the proclamation.

[140262_GGGRU_20140904.pdf](#)

[140264.](#)

Constitution Week - September 17-23, 2014 (B)

RECOMMENDATION

Gainesville Chapter of the Daughters of the American Revolution Regent Linda G. Williams to accept the proclamation.

[140264_ConstitutionWeek_20140904.pdf](#)

[140270.](#)**Special Recognition (NB)****RECOMMENDATION**

The City Commission receive special recognition from Mr. Bob Gasche.

[140263.](#)**Polish Business and Culture Week - September 3-8, 2014 (B)****RECOMMENDATION**

Polish Delegation and Ambassador to accept the proclamation.

[140263_PolishBusiness_20140904.pdf](#)

CITIZEN COMMENT (to end at a time certain of 6:30pm or at such later time as allows for 30 minutes of citizen comment)

PUBLIC HEARINGS**RESOLUTIONS- ROLL CALL REQUIRED**[140223.](#)**SECOND AMENDMENT TO THE FY 2013-2014 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)**

RESOLUTION NO. 140223

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; AMENDING RESOLUTION NO. 130274 AS AMENDED BY RESOLUTION NO. 130823, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2013-2014 General Government budget those transactions and activities that were not anticipated during the budget process.

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

RECOMMENDATION

The City Commission adopt the proposed resolution.

[140223A_FY14 Second Amendatory_20140819.pdf](#)

[140223B_FY14 Second Amendatory Budget Resolution_20140819.pdf](#)

[140223_2ndBudgetAmendment_20140904.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED[130981.](#)**TOWNSEND PLANNED DEVELOPMENT - DEVELOPMENT TIME EXTENSION (B)**

Ordinance 130981

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 980726 to extend certain development time limits for approximately 52 acres of property known as the "Townsend Planned Development" that is located in the vicinity of the 2300 block of NW 39th Avenue and extending south to NW 31st Avenue (Glen Springs Road) to allow for the construction of the extension to NW 24th Boulevard, the dedication of right-of-way, and the completion of the Planned Development; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The "Townsend Planned Development," which is approximately 52 acres located in the vicinity of the 2300 block of NW 39th Avenue and extending south to NW 31st Avenue (Glen Springs Road), was approved on August 9, 1999, by the adoption of Ordinance No. 980726. Planned Development District (PD) zoning is an entirely voluntary method for landowners or developers to submit unique proposals that are not provided for or otherwise allowed in the zoning districts established by the City of Gainesville Land Development Code. Section 30-219 of the Land Development Code provides that the City Commission may establish reasonable time limits for the development of a PD, which the City Commission may extend for good cause. If such time limits are not complied with or extended for good cause, the City Commission may rezone the property or any part of it.

Since 1999 the following components of the Townsend PD have been completed: the master stormwater facility for the entire 52 acres; Phase 4 known as Uptown Village; the infrastructure for Phase I; and a roundabout in the public right-of-way of Glen Springs Road at the entrance of the PD. The development stalled in 2008 during the real estate collapse leaving portions of the development incomplete. The developer, Townsend TND, LLC, has applied for extensions of certain development time limits as provided in Ordinance No. 980726 to allow for the construction of the extension to NW 24th Boulevard (providing a connection from NW 39th Avenue to Glen Springs Road), the dedication of right-of-way, and the completion of the PD, which includes the development of 63 residential units.

Staff has reviewed the request and finds it to be consistent with the City of Gainesville Comprehensive Plan and Land Development Code.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[130981A_Petitioner request letter_20140605.pdf](#)

[130981B_PD Documents_20140605.pdf](#)

[130981A_draft ordinance_20140904.pdf](#)

[130978](#)**TEXT AMENDMENT - SECTION 10-14 - FIRESAFETY BOARD OF ADJUSTMENT (B)**

Ordinance No. 130978

An ordinance of the City of Gainesville, Florida, amending Section 10-14. Fire safety board of adjustment of the Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance amends Section 10-14 of the City of Gainesville Code of Ordinances, which authorizes and outlines the duties of the Firesafety Board of Adjustment (FSBOA). The FSBOA hears appeals regarding the application of the Florida Fire Prevention Code and the fire code provisions of the City of Gainesville Code of Ordinances as well as appeals regarding any conflicts between the fire code and the building code. The purpose of this ordinance is to update and clarify Section 10-14 of the Code of Ordinances in order to be consistent with state law, specifically Chapter 633, Florida Statutes, and the administrative rules of the State Fire Marshal.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and shall become effective immediately upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[130978A_draft ordinance_20140904.pdf](#)

[140159](#)**REPEAL OF SECTION 5-4 BIRD AND GAME SANCTUARIES (B)**

Ordinance No. 140159

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances by repealing Section 5-4 Bird and game sanctuaries;

providing directions to the codifier; providing a repealing clause; and providing an immediate effective date.

Explanation: On October 23, 1995, the City Commission adopted Ordinance No. 0-95-18 relating to animal control and, among other things, created Section 5-4 of the Code of Ordinances establishing the entire city as a bird and game sanctuary where it is unlawful for any person to hunt, kill or take any animal except under certain limited circumstances. However, it has come to the attention of the City Attorney's Office that Section 5-4 of the Code of Ordinances was not established in accordance with state law and the Florida Fish and Wildlife Conservation Commission (FWC) does not recognize the City of Gainesville as a bird sanctuary as permitted by state law.

State law provides that all wild animal life within the state is subject to the exclusive regulation of the FWC. The FWC, in Rule 68A-19.002, F.A.C., provides a certain procedure by which a local government may request to establish bird sanctuaries for the protection of all birds and other wildlife. The rule states that a local government may establish bird sanctuaries and/or restrict hunting areas by submitting a written request to the FWC and adopting a resolution or ordinance that agrees to assume the responsibility for enforcement of FWC regulations applicable to such areas, including posting the area boundary with signs bearing the words "RESTRICTED HUNTING AREA, Hunting by Special Permit Only" or "BIRD SANCTUARY, No Hunting" at easily visible intervals of no more than 500 feet, as well as agreeing to instruct the city's law enforcement personnel to enforce said regulations within the area.

Section 5-4 of the Code of Ordinances was not established in accordance with this Rule 68A-19.002, F.A.C. Therefore, the city's current code provisions are unenforceable and should be repealed.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and shall become effective immediately upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[140159A_draft ordinance_20140904.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[140130.](#)

TEXT CHANGE - EXCLUDING SIMULATED GAMBLING ESTABLISHMENTS FROM LIST OF PERMITTED USES IN ALL APPLICABLE ZONING DISTRICTS (B)

Ordinance No. 140130; Petition No. PB-14-63 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code to prohibit the operation of simulated gambling establishments, as defined in this ordinance, throughout Gainesville by excluding such use from the list of permitted uses in all zoning districts that otherwise allow amusement and recreation services; by adding new definitions to Section 30-23 Definitions; by amending the list of permitted uses in Sections 30-61. General business district (BUS), 30-62. Automotive-oriented business district (BA), 30-63. Tourist-oriented business district (BT), 30-64. Mixed use low intensity district (MU-1), 30-65. Mixed use medium intensity district (MU-2), 30-65.1. Urban mixed-use district 1 (UMU-1), 30-65.2. Urban mixed-use district 2 (UMU-2), 30-66. Central city district (CCD), 30-67.1. Business industrial district (BI), 30-68. Warehousing and wholesaling district (W), 30-69. Limited industrial district (I-1), 30-70. General industrial district (I-2), 30-75. Public services and operations district (PS); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On January 16, 2014, the City Commission approved a temporary 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 simulated gambling establishments (commonly referred to as "internet cafes") within city limits. The City Commission on June 5, 2014, effectuated the moratorium by adopting Ordinance No. 130633, which placed the moratorium into effect until September 18, 2014.

This ordinance will prohibit the operation of simulated gambling establishments, as defined in this ordinance, throughout Gainesville by excluding that use from the list of permitted uses in all zoning districts that otherwise allow "amusement and recreation services." The Gainesville Police Department recommends the prohibition as necessary to preserve the public peace and to safeguard the health, safety, morals and welfare of the community and citizens thereof. Simulated gambling establishments 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 simulated gambling establishments 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 simulated gambling establishments 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 ordinance 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 prohibiting these establishments.

After public notice was published in the Gainesville Sun on June 19, 2014, the City Plan Board held a public hearing on June 26, 2014, and recommended approval of the petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and shall become effective immediately upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/21/14 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance)

[140130B staff report 20140821.pdf](#)

[140130C Exh A-1 Ordinance - Draft 20140821.pdf](#)

[140130D Exh A-2 Ord 130633 20140821.pdf](#)

[140130E Exh B-1 Application 20140821.pdf](#)

[140130F CPB minutes 20140821.pdf](#)

[140130G staff ppt 20140821.pdf](#)

[140130A draft ordinance 20140821.pdf](#)

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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