

City of Gainesville

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



Meeting Agenda

September 01, 2011

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Commissioner Randy Wells (District 4)

Commissioner Jeanna Mastrodicasa (At Large)

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

CALL TO ORDER

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

110215.

Acceptance of Florida EMS County Grant Award (NB)

This item requests approval to accept \$14,702.70 in reimbursement grant funding from the Florida Department of Health EMS Grant Program to be distributed to the City of Gainesville through Alachua County.

Explanation: The Florida Department of Health, Bureau of Emergency Medical Services (BEMS), bi-annually awards funds from the State EMS Trust Fund to boards of county commissioners to improve and enhance pre-hospital emergency medical services in their counties. The amount allocated to each county is proportional to the amount of traffic fine surcharges collected in the county as a result of motor vehicle infractions.

Gainesville Fire Rescue (GFR) has requested funding to enhance the City's emergency medical services through the purchase of: 1) one thermal imager; and 2) one IO needle enhancement package. The award will provide reimbursement funding, at minimum, of \$14,702.70 for GFR to purchase the equipment.

Fiscal Note: Reimbursement funds will be received from Alachua County in the amount of \$14,702.70 or greater. There is no required match.

RECOMMENDATION

The City Commission authorize the City Manager to accept the award and to expend the funds for the items

requested.

Alternate Recommendation A: The City Commission not authorize the City Manager to accept the award and expend the funds for the items.

110217.

"The Immortal Fountain: The Fountain of Youth in Art and Myth" grant application (NB)

This item involves a request to accept a "Culture Builds Florida" grant from the State of Florida, Division of Cultural Affairs, if awarded, to support an art exhibition and related community education and engagement project titled "The Immortal Fountain: The Fountain of Youth in Art and Myth."

Explanation: In 2013, Americans will celebrate the Quincentennial of Ponce de Leon's landing on Florida's east coast and the subsequent 500-year relationship between America and Spain. This historic anniversary offers an opportunity to work towards a deeper understanding of both the historical context and the cultural significance of our on-going relationship with Spain and other Spanish-speaking countries of the Western Hemisphere. Our goal for the proposed exhibition, The Immortal Fountain, is to explore the significance of the Fountain of Youth story, the mythic explanation for Ponce's discovery of Florida. We will also challenge our audience to consider the broader implications of the Fountain story. To reach the widest possible audience we plan to partner with a variety of community organizations and institutions. Our objectives are to build leadership by creating public/private partnerships that will include government and business leaders, as well as educational institutions and cultural advocates; and also to promote learning and wellness, by using art to educate the public about the facts and fictions surrounding the idea of the Fountain of Youth and its implications in popular culture as well as its relevance to Florida's history and identity. We also plan to promote art in public places by exploring the creation of a Quincentennial Fountain project for our community.

The proposed exhibition will focus on finding images - paintings, sculptures, illustrations and ephemera - that reflect the concept of the "rejuvenating waters" enjoyed by those who travel to Florida in search of healing, relaxation and renewal. Florida as paradise has been a common theme in the state's cultural and economic history but where does this idea come from and how has art supported and reinforced the Paradise identity? We will invite 20 contemporary Florida artists to respond to the Fountain story by documenting the history of the narrative, interpreting the story and its significance to their own lives, exploring the transformational mythology of the Fountain story and relating the narrative to aspects of popular culture such as movies, video games, and advertising.

Fiscal Note: The grant application requests \$24,250 from the State's Culture Builds Florida Grant. The City's funding match will be \$11,600 in in-kind salary and facility costs, and \$13,640 cash that are included in PRCA's FY 2012/2013 budget.

RECOMMENDATION

The City Commission: 1) approve the request to accept a grant, if awarded, from the State of Florida, Division of Cultural Affairs' Culture Builds Florida' program, for the The Immortal Fountain: The Fountain of Youth in Art and Myth'exhibit; and 2) if the grant is awarded, authorize the City Manager or designee to execute the grant agreement and other grant-related documents, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation

The City Commission not approve the request to accept a grant from the Florida Division of Cultural Affairs' Culture Builds Florida program if awarded for the The Immortal Fountain: The Fountain of Youth in Art and Myth'exhibit.

110232.**The 21st Century Learning Grant Contract Agreement Between the Gainesville Police Department (GPD) and the School Board of Alachua County (B)**

Explanation: The School Board of Alachua County has been awarded a 21st Century Learning Grant from the Florida Department of Education. Through this grant, the School Board will contract with the Reichert House Youth Academy to provide youth services. This contract provides \$124,000 to fund 3 full-time Intervention Specialists, 1 part-time Family Liaison Specialist, 3 part-time Certified Teachers and 1 part-time (.50) Site Coordinator for grant administration. The grant cycle for this project began August 1, 2011. City Commission approval will allow the City to contract with the Alachua County School Board for staff positions and services received from August 1, 2011. This is the third year of a five year grant cycle received by the School Board of Alachua County from the Department of Education. GPD's contract is subject to review and is renewable annually based on satisfactory performance criteria as established by the grant.

Fiscal Note: Total amount the City of Gainesville will receive through the agreement is \$124,000.

RECOMMENDATION

The City Commission: 1) approve the agreement for \$124,000 between the City of Gainesville, the Gainesville Police Department, the Reichert House Youth Academy and the Alachua County School Board; 2) authorize the City Manager to accept and execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality; and 3) approve the expenditures as outlined in the approved grant award/contract.

110232_21stCentProjAward_20110901.pdf

110239.**Second Amendment between the City of Gainesville and Keep Alachua County Beautiful for FY2012 (B)**

This item is a request for the City Commission to approve the execution of an amendment to the agreement with Keep Alachua County Beautiful in the amount of \$55,000.

Explanation: Keep Alachua County Beautiful (KACB) is the sponsor of “The Great American Cleanup,” “Trash Troopers,” and other anti-litter/beautification activities. The Great American Cleanup is held the second or third Saturday in April of each year and recruits over 10,000 volunteers to pick up litter, remove graffiti, paint run-down buildings, clean up illegal dump sites, and otherwise beautify Gainesville, the other cities in Alachua County and the unincorporated area of Alachua County. Over 2 tons of litter and debris were removed from public right-of-ways and other areas just within the City of Gainesville during the April 2011 events associated with the cleanup. KACB also conducted a Cigarette Litter Prevention Program in the downtown area last year which achieved a 37% reduction in cigarette litter in the targeted area. In addition, graffiti abatement was performed at 197 sites.

KACB was certified in 1995 as the local affiliate of Keep Florida Beautiful and Keep America Beautiful. The City of Gainesville has been a KACB member since the certification of this non-profit organization and has supported KACB with an annual contribution of either \$15,000 or \$20,000 for the past ten years. The City of Gainesville has also provided in-kind services ranging in value from approximately \$12,000 to \$15,000 each year in support of the Great American Cleanup activities.

The Agreement provides:

- 1. Contribution of up to \$[6,769.62] in in-kind services.*
- 2. Payment of \$15,000 to renew the City membership in Keep Alachua County Beautiful. In return, KACB will perform specified cleanup and beautification projects in coordination with the City Solid Waste and Parks Divisions. These projects include, but are not limited to: “The Great American Cleanup,” graffiti removal, tree and shrub plantings, and public education programs for litter and graffiti prevention.*
- 3. Payment of \$10,000 for continued implementation of “The Beautiful Block Program.” The Beautiful Block Program is necessary to recruit block captains from targeted neighborhoods and to provide guidance and tools to empower neighborhoods to keep their own blocks clean and beautiful.*
- 4. Payment of \$10,000 for the implementation of the “Gainesville Clean and Green Program.” The Gainesville Clean and Green Program consist of the beautification improvements of specific medians to be designated by the City Manager through the Solid Waste Division Manager and other minor beautification projects as developed.*
- 5. Reimbursement up to \$20,000 for coordination of beautification services.*

Fiscal Note: Funding in the amount of \$55,000 is available in the adopted Public Works Department, Solid Waste Division FY 2012 operating budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Second Amendment with Keep Alachua County Beautiful for the period of October 1, 2011 through September 30, 2012, subject to approval by the City Attorney as to form and legality.

110239B_Agreement_20110901.pdf

110239_Agreement_20110901.pdf

110240.**Base Level Transit Services Agreement with Alachua County Board of County Commissioners (B)**

This item is a request to authorize the City Manager to execute the Base Level Transit Services Agreement between the City of Gainesville Regional Transit System (City) and the Alachua County Board of County Commissioners (County).

MODIFICATION - There was a request to pull this item off of the Consent Agenda and place on the Regular Agenda for discussion.

Explanation: The City and County had an Agreement for the City to provide public transit services to residents and visitors in the surrounding urbanized area that expired on September 30, 2011. The City and County have negotiated a new Agreement for the period of October 1, 2011 through September 30, 2012, for base level transit services, subject to funding and written consent of both parties.

Fiscal Note: The City will receive \$512, 452 of revenue from the County in quarterly payments of \$128,113 for the period of October 1, 2011, through September 30, 2012.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Base Level Transit Services Agreement with Alachua County Board of County Commissioners for the period of October 1, 2011, through September 30, 2012, subject to approval by the City Attorney as to form and legality.

110240A_Agreement_20110901.pdf

110240B_Map_20110901.pdf

110240C_ProposedContract_20110901.pdf

110240&110241_MODCountyServiceRateRecommendation_20110901.pdf

110241.**Transit Services Agreement Route 75 with Alachua County Board of County Commissioners (B)**

This item is a request to authorize the City Manager to execute the Transit Services Agreement (Route 75) between the City of Gainesville Regional Transit System and the Alachua County Board of County Commissioners.

MODIFICATION - There was a request to pull this item off of the Consent Agenda and place on the Regular Agenda for discussion.

Explanation: The City and County had an Agreement for the City to provide public transit

services to residents and visitors on Route 75 that expired on September 30, 2011. The City and County have negotiated a new Agreement for the period of October 1, 2011 through September 30, 2012, for Route 75 transit service, subject to funding and written consent of both parties.

Fiscal Note: The City will receive \$563,843 of revenue from the County in quarterly payments of \$140,960.75 for the period of October 1, 2011, through September 30, 2012.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Transit Services Agreement (Route 75) with Alachua County Board of County Commissioners for the period of October 1, 2011, through September 30, 2012, subject to approval by the City Attorney as to form and legality.

110241A_Agreement_20110901.pdf

110241B_Map_20110901.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

110262.

Contract for Sale of Scrap Metals

Staff recommends extending the term of the contract with Trademark Metals Recycling LLC. for the removal and purchase of scrap metals.

Explanation: Scrap metals are picked up from various GRU utility operation sites and separated by various categories: aluminum, insulated and bare copper, steel, brass, bronze, stainless steel and streetlights. The amount paid to GRU is based on the American Metal Market published price for each category on the day of pickup, plus the Contractor's bid price.

The City Commission approved a contract with Ocala Recycling, now known as Trademark Metals Recycling LLC. on July 14, 2008. The initial contract ends September 30, 2011. A twenty-four (24) month extension of the contract is available upon mutual agreement of the parties and negotiation of the contract prices.

Trademark Metals Recycling LLC. was the first U.S. company to be awarded an efficiency certification by the Institute of Scrap Recycling Industries. Trademark Metals Recycling continues to provide excellent service to GRU and are responsive in meeting the requirements established by GRU for investment recovery. Since May 2009 GRU has been paid \$461,004 for scrap metals.

Fiscal Note: This contract allows for recovery of funds for those metals designated as scrap in the FY 2012 and FY 2013 budgets

RECOMMENDATION

The City Commission authorize the General Manager, or his designee, to execute an amendment to extend the contract with Trademark Metals Recycling LLC. (formerly Ocala Recycling) for twenty-four (24) months.

CITY ATTORNEY, CONSENT AGENDA ITEMS**110295.**

Elvan Moore, II vs. City of Gainesville, Florida; Chief Norman Botsford as Chief of the Gainesville, Florida Police Department; Officer Robert Kennedy, in his Official and Individual capacity; Eighth Judicial Circuit, Court Case No. 01-2011-CA-4417 (B)

MODIFICATION - This item was added to the agenda August 31, 2011 @ 3:36 PM.

Explanation: On August 30, 2011, the City and Officer Kennedy were served with a Summons and Complaint filed by Elvan Moore, II in the Circuit Court. The Plaintiff alleges that he is a victim of false arrest, false imprisonment, battery and malicious conduct which occurred during his arrest on August 26, 2007. He claims to have sustained severe and permanent traumatic injuries, including mental, psychological and emotional damages. Plaintiff is seeking compensatory damages, costs, and attorney's fees.

In the same complaint, Mr. Moore also filed suit individually against the City officer who arrested him. In this lawsuit, the interests of the City employee and the City appear, at this time, to not be in conflict. However, the possibility does theoretically exist for a conflict of interest to develop at some time in the future between the City's interests and those of the City employee. Therefore, informed consent confirmed in writing by both the City and the City employee is appropriate.

RECOMMENDATION

The City Commission: 1) authorize the City Attorney and/or Special Counsel if insurance coverage is available to represent the City of Gainesville and the City employee acting in the course and scope of his employment, with the consent and waiver of potential conflict by the City Commission and by said City employee, and; 2) the City Commission authorize the City Manager to execute a consent and waiver of potential conflict on behalf of the City in the case styled Elvan Moore, II vs. City of Gainesville, Florida; Chief Norman Botsford as Chief of the Gainesville, Florida Police Department; Officer Robert Kennedy, in his Official and Individual capacity; Eighth Judicial Circuit, Court Case No. 01-2011-CA-4417.

110295_Elvan Moore Consent_20090901.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**110235.**

Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint the following:

Ryan Stith, Andrew Coffey, and Jon Isaacson to the

Gainesville Energy Advisory Board for a term to expire 9/30/14.

Nancy Montgomery, Lucille Lane, and Christopher Monahan to the Gainesville Code Enforcement Board for a term to expire 8/1/14.

Jack Hughes and Rita Puentes to the Public Recreation and Parks Board for a term to expire 6/1/14.

Beatriz La Espriella to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 9/30/14.

Jon Isaacson to the Gainesville Enterprize Zone Development Agency for a term to expire 3/31/15.

Mark Goldstein to the Gainesville/Alachua County Regional Airport Authority for a term to expire 7/31/14.

110253.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of July 7, 2011, July 21, 2011, August 4, 2011 and August 18, 2011, as circulated.

110253_july 7, 2011_minutes_20110901.pdf

110253a_july 21, 2011_minutes_20110901.pdf

110253b_aug. 4, 2011_minutes_20110901.pdf

110253c_aug.18, 2011_minutes_20110901.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

110269.

Presentation of the Inspiring Success Award (NB)

Explanation: In recognition of GRU and General Government's United Way 2010 contributions, the City was awarded the Inspiring Success Award by United Way. United Way Team Leaders from both GRU and General Government will present the award to the City Commission.

RECOMMENDATION

The City Commission accept the Inspiring Success Award.

CLERK OF THE COMMISSION

CITY MANAGER

110198.

Approval of Consultant Rankings - RFP # PLAN - 110050-FB Land Development Code Update (B)

This item is a request for the City Commission to approve consultant rankings for RFP # PLAN - 110050-FB regarding the Land Development Code Update.

Explanation: On May 2, 2011, the City of Gainesville Purchasing Division issued a Request for Proposals (RFP) for consultant services associated with an update of the City of Gainesville Land Development Code.

On May 12, 2011, a mandatory pre-proposal conference was held to review the RFP. Five (5) proposals were submitted on the May 26, 2011 due date. A review Committee made up of Planning and Development Services staff reviewed and evaluated the written component of the proposals and the five submitting firms were invited to provide an oral presentation regarding their response to the RFP and firm credentials on June 29 and June 30, 2011.

The top three firms as determined by the review Committee utilizing the City's established evaluation system are as follows:

- 1) LittleJohn Engineering Associates*
- 2) Planning Works, LLC*
- 3) AECOM*

Staff will be approaching the update to the Land Development Code by stressing a final deliverable that offers transparency, predictability and consistency in form and process as it relates to development and development review. In order to achieve this outcome, staff will be stressing the following:

- a form based approach to development that is appropriate to certain areas of the City;*
- clarity built into the Code regarding linkages between the Land Development Code and Comprehensive Plan in order to address any outstanding inconsistencies;*
- a review of regulatory tools that are inefficient or potentially outdated such*

as Special Area Plans and SIC codes;

- providing for a Code that is easier to navigate and transparent to the end user; and
- review of current administrative procedures to ensure that they are in sync with development objectives.

Staff will be stressing an inclusive process not only with the public at large and the development community but internally with all areas of the City that are impacted by, and play a role in, the development review process (Public Works, CRA, GRU, City Attorney's Office, Parks and Recreation, etc.).

Finally, it is anticipated that the Land Development Code Update process will entail an effort lasting approximately eighteen (18) months.

Fiscal Note: Funding associated with these consultant services was approved by the City Commission during the FY 2011 budget discussions in the amount of \$200,000. The bid award amount is \$187,645.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee and City Attorney to initiate contract negotiations with the number one ranked firm, Little John Engineering Associates for consultant services associated with the Land Development Code update. Staff shall clarify the Scope of Services to: a) direct the Consultant regarding those areas of the City subject to application of a form based code through provision of a map; (b) identify and direct the Consultant to those areas of the City that are conducive to elimination of special area plans through Code amendments; and, (c) direct the Consultant regarding those existing sections of the Land Development Code with which Code amendments must be integrated (i.e. the Public Works Design Manual, the Landscape Ordinance, Gainesville Regional Utility Infrastructure Design Standards, Subdivisions); 2) direct the City Manager and City Attorney to review the contract documents and other necessary documents with the City Commission prior to contract execution; and, 3) if negotiations are unsuccessful with the number one ranked firm, return to the City Commission for further direction.

110198A_RFP-PLAN110050FB Final Ranking_20110818 .pdf

110198B_Department Award Approval_20110818.pdf

110198A_RFP-PLAN110050FB Final Ranking_20110901.pdf

110198B_Department Award Approval_20110901.pdf

GENERAL MANAGER FOR UTILITIES

110300.

Solar FIT Update (NB)

MODIFICATION: This item was added to the agenda August 31, 2011 @ 4:35 PM.

Explanation: Per City Commission direction, staff telephoned ten owners representing 23 PV systems with a combined capacity of 2,499.23 kW and offered their deposits back if they would formally withdraw their capacity allotment. All project owners confirmed that they were moving forward with their projects and none offered to relinquish capacity. Certified letters were also sent to all of the owners to confirm this offer.

Based on the results of this effort, staff recommends no further action be taken on this year's Solar FIT capacity allocation. Staff also recommends implementation of process changes for the 2012 Solar FIT capacity allocation as recommended by staff and the City Auditor's office.

Staff was unable to secure any additional capacity for the 2011 Solar FIT by contacting those who had not yet completed projects. In addition, there were 21 small (<10kW) systems remaining to be constructed that were either in the FIT Light or the 2011 FIT program totaling 163.99 kW of capacity. Of these small systems, owners totaling 35.42 kW of capacity notified us in writing that they would not construct their systems after they were sent a letter several months ago. In addition, there are three projects remaining from the original 2011 capacity queue totaling 2,154.523 kW. These projects are either underway or their owners have said they will construct. In summary, staff can only confirm that 35.42 kW of projects will not be constructed by the deadlines of October 31 for roof top systems and December 31 for ground mount systems.

2012 Capacity Considerations

There is approximately 1.7 MW of available capacity in the 2012 Solar FIT program. Several Commissioners expressed an interest in making sure any advancement of capacity would not mean additional costs to customers beyond those costs previously approved by the City Commission. Based on this, 1 MW of capacity could be advanced to 2011 and another lottery conducted for just those customers who previously applied in 2011 but were unsuccessful. However, the remaining 700 kW of capacity would have to be removed from the 2012 Solar FIT to make it cost neutral, since the price for 2012 solar energy will undoubtedly decrease. Another cost neutral option would be to make the 1.7 MW of capacity from 2012 available in 2011 but at the 2012 pricing. Staff believes the 2012 pricing will be about 20 percent lower than the 2011 pricing. Both of these considerations would mean that there would be no new capacity available until 2013.

Fiscal Note: There is no additional fiscal impact based on staff's recommendations.

RECOMMENDATION

Hear a presentation from staff on actions taken in response to the request to contact customers in the 2011 Solar FIT and offer to provide their deposits back in exchange for giving up their capacity allotment.

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

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

110275.

Constitution Week - September 17 - 23, 2011 (B)

RECOMMENDATION

Dorothy Hope Regent of the Gainesville Chapter of the National Society Daughters of the American Revolution to accept the proclamation.

110275_ConstitutionWeek_20110901.pdf

110276.

Stop and Remember September 11, 2001 Day - September 11, 2011 (B)

RECOMMENDATION

City of Gainesville Police Department Police Chief Tony Jones and City of Gainesville Fire Rescue Department Fire Chief Gene Prince to accept the proclamation.

110276_Proc_20110901.pdf

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED**110288.****Qualified Target Industry (QTI) Refund Resolution - Prioria Robotics, Inc. (B)**

This item seeks City Commission approval for a QTI contribution for the prospective relocation of an engineering firm, specializing in the development of real time advanced machine perception, within the City of Gainesville.

MODIFICATION - This resolution was added to the agenda on August 29, 2011 @ 5:15 PM.

Explanation: Prioria Robotics, Inc., an engineering firm specializing in the development of real time advanced machine perception, is currently considering relocation within the City limits for its existing facilities. Currently, the firm occupies space at 104 N. Main Street and is considering expanding its business to a different downtown location or to a location within unincorporated Alachua County or to several locations outside of the County.

The QTI incentive is a state tool available to Florida communities to encourage job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various taxes they pay including corporate, sales, ad-valorem, insurance premium and other taxes.

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

In this particular case, Prioria Robotics, Inc. is indicating that it will create up to 40 net new jobs at a wage of approximately \$67,000 (over 2 times the SMSA's average annual wage) in its new location.

Due to the incentive calculated per job (\$6,000 for location in Enterprise Zone; \$2,000 for high impact sector; and \$2,000 for jobs created at 200% of the average annual wage for the SMSA) the total incentive would be \$400,000. Of this, the City would be asked to provide a 10% match (\$40,000) over a period of four years with an equal 10% match (\$40,000) coming from Alachua County for a total of \$80,000. If Prioria Robotics, Inc. determines that it will relocate within unincorporated Alachua County, then the QTI would not be forthcoming from the City of Gainesville.

The Alachua County Board of County Commissioners took favorable action on this item at its August 23, 2011 meeting.

Fiscal Note: If this item is approved, funding of \$40,000 over four years would come from the General Fund, Fund balance.

RECOMMENDATION

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

110288A_City Resolution-QTI_20110901.pdf

110288B_Project Overview_20110901.pdf

110288C_Ala Co Bd of Comm Resolution_20110901.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**110130.****REZONING – SW 20TH AVENUE, WEST OF INTERSECTION OF SW 24TH AVENUE AND SW 43RD STREET (B)****Ordinance No. 110130, Petition No. PB-11-78ZON**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties annexed into the City, as more specifically described in this ordinance, from the Alachua County zoning category of “Multiple family, medium-high density (R-2a) district” to the City of Gainesville zoning categories of “RMF-8: 8-30 units/acre multiple-family residential district” and “CON: Conservation district”; located South of Southwest 20th Avenue and West of the intersection of Southwest 24th Avenue and Southwest 43rd Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This petition requests a rezoning from Alachua County to City of Gainesville designations. The City of Gainesville annexed this 13.03-acre area on November 26, 2007. The subject property consists of six undeveloped parcels under common ownership, located west of the intersection of SW 24th Avenue and SW 43rd Street. Environmentally sensitive features including Hogtown Creek, floodplain, and the ten-year flood channel are found on the northern portion of the site.

This area is currently designated with Alachua County Multiple family, medium-high density (R-2A) zoning, which allows 8 to 14 dwelling units per acre. The proposed rezoning requests RMF-8 (8-30 units per acre) on 9.24 acres of the property, and CON (Conservation) zoning on 3.79 acres. These proposed zoning designations follow the same lines as the underlying City Residential Medium Density and Conservation land use categories, which were adopted in 2009.

A request to rezone this property (Petition PZ-08-130ZON) was heard by the City Commission in July 2009 along with its companion land use amendment. Citing anticipated changes to the City's environmental regulations, the Commission voted to adopt the land use amendment (Ordinance 090089) but strike the rezoning until additional protections were in place to address the site's environmental features.

Public notice was published in the Gainesville Sun on June 6, 2011. The Plan Board held a public hearing on June 23, 2011.

RECOMMENDATION *The City Commission: 1) approve Petition No. PB-11-78ZON; and 2) adopt the proposed ordinance.*

110130-A_draft ordinance_20110901.pdf
 110130B_staff report_20110901.pdf
 110130C_append A-1_20110901.pdf
 110130D_append A-2_20110901.pdf
 110130E_append B_20110901.pdf
 110130F_appendix C_20110901.pdf
 110130G_cpb minutes_20110901.pdf
 110130H_staff ppt_20110901.pdf

110199.

PREEMPTION BY THE STATE OF LOCAL LAWS REGULATING FIREARMS (B)

Ordinance No. 110199

An Ordinance of the City of Gainesville, Florida, relating to the regulation of firearms due to preemption by the State of Florida; amending section 7-20 of the Code of Ordinances relating to the discharge of firearms in a cemetery; amending section 15-2 of the Code of Ordinances relating to the definition of impulsive sound as it relates to firearms; amending section 17-5 of the Code of Ordinances relating to the carrying of firearms in city government buildings; repealing and deleting in its entirety section 17-6 of the Code of Ordinances relating to the shooting of firearms within the city limits; amending section 18-20 of the Code of Ordinances relating to carrying firearms in city parks; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission at its meeting on August 18, 2011, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance bringing the Code of Ordinances into compliance with newly adopted state law.

A review of existing ordinances in Gainesville reveal five provisions of the Gainesville code which would appear to be rendered, in whole or in part, "null and void" and unenforceable under this legislation. These include the prohibitions on possession of firearms in government buildings or parks, on discharge of a firearm within city limits, on discharge of firearms in a cemetery, and aspects of the definition of an "impulsive sound" under our noise ordinance. These code provisions need to be amended to conform to the new state legislation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/18/11 City Commission Adopted on First Reading, as revised (Ordinance) (5 - 0 - 2 Absent)

110199a_firearms ordinance_20110818.pdf
 110199_Draft Ordinance_20110901.pdf

110213.

APPENDIX "A" - SCHEDULE OF FEES, RATES AND CHARGES (B)

Ordinance No. 110213

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges by revising fees and charges for adult performance establishments, escort services, and escort licenses; alcoholic beverage bottle club licenses; cable franchises; cemetery; controlled vehicular parking area decals/permits; fire/rescue fire alarm operators, false alarm, prohibited devices, fire alarm monitoring companies, fire alarm system contractors, fire inspection, burning leaves, brush, clean wood or other vegetative debris, annual burning permit, pyrotechnic display; home occupation permit; peddlers, solicitors and canvassers; burglar alarm operators, monitoring companies, systems contractors, and systems; roam towing trespass towing application process fee, registration -owners, operators and vehicles, immobilization; registered domestic partnerships; secondhand goods dealers; permits for congregating on streets and sidewalks; permit to remove, construct, alter curb, driveway, gutter, etc.; traffic and motor vehicle parking violations and delinquency and immobilization; solid waste and recyclables - residential services; vehicles for hire; and vending; making scrivener revisions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: BUDGET AND FINANCE DEPARTMENT STAFF REPORT

On July 12, 2011 Administrative Services staff presented the Budget Workshop for the FY2012 Adjustment Year to the City Commission. As presented, the proposed FY2012 revenues included a continuation of the policy of 5% scheduled biennial increases of Appendix A fees, excluding building permit fees, land development code fees, business tax fees, landlord licenses and utility fees.

On July 20, 2011, the City Commission adopted Resolution No. 110138, approving the Proposed Tentative General Government Financial and Operating Plan which includes the 5% increase in Appendix A fee revenues. This ordinance is necessary to implement the increased fees effective October 1, 2011.

CITY ATTORNEY MEMORANDUM

This ordinance increases certain existing fees and charges by 5%, effective October 1, 2011. In addition, this ordinance decreases the fee for parking violations in a fire hydrant or fire station safety zone to be consistent with Section 318.18, Florida Statutes. This ordinance also includes scrivener revisions, such as revising incorrect code references and implementing uniform formatting. If adopted on first reading, second and final reading will be held on September 15, 2011.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

110213A_draft ordinance_20110901.pdf

110236.**SEMI-ANNUAL PRORATION OF LANDLORD PERMIT FEES (B)****Ordinance No. 110236**

An ordinance of the City of Gainesville, Florida, amending Appendix A - Schedule of Fees, Rates and Charges, of the Gainesville Code of Ordinances, to provide for semi-annual proration of landlord license fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on June 16, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Appendix A - Schedule of Fees, Rates and Charges to include the semi-annual proration of landlord permit program fees.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

110236_draft ordinance_20110901.pdf

100520.**PLANNED DEVELOPMENT AMENDMENT – GAINESVILLE AUTO TOWN CENTER (B)****Ordinance No. 100520, Petition No. PB-10-18-PDA**

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 070706 that rezoned the property to Planned Development, commonly known as “Gainesville Auto Town Center”; generally located in the vicinity of the 3900 block of North Main Street, west side; amending the Development Plan by amending certain conditions, revising the list of permitted uses, and amending the development plan maps and the planned development report; adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

MODIFICATION: A power point presentation was added to this item August 31, 2011 @ approximately 3:00 PM.

Explanation: STAFF REPORT

This petition is a request to amend the Gainesville Auto Town Center Planned Development (PD), consisting of 18.4 acres which was approved by the City Commission as Ordinance 070706 on April 14, 2008. The first phase of the PD is currently occupied by the Mercedes Benz dealership which occupies approximately 12.8 acres of the site. Phase II is approximately 5.6 acres and is the subject of this review which includes: 1) eliminating the requirement for an education and alternative fuel center; 2) providing additional time for completing the second phase of the PD; 3) clarifying the PD Layout Plan regarding building labels and development areas; and 4) clarifying the list of permitted uses set as Condition 5 in the adopted PD Ordinance, 070706, adopted on April 14, 2008.

The Auto Town Center was proposed as a unique development of an automotive

sales and service center with multiple buildings and integrated assembly of uses resulting in vital synergies from the combination and centralized operation of unique uses. The project proposed an automotive learning center, an alternative fuels dispensing service and an automotive dealership with typical accessory uses; some buildings were proposed to be LEED certified. The proposed changes to the ordinance are due to the changes in the economy and to allow more flexibility for development as an automobile dealership. The City Commission approved the petition on December 16, 2010 after hearing from staff and the applicant. During the hearing the issue of how to replant the vacant lot in Phase II of the development was raised. The City Commission directed staff and the applicant to work this issue out with some assistance from the staff at the University of Florida. Generally staff and the applicant reached agreement based on a recommendation from University of Florida staff to allow natural seed propagation of the lot while in the development phase. In the event the PD expires the owner would be required to plant and maintain trees from the City's approved tree list at a ratio of 25 trees per acre, and for those trees to be located on the site to provide environmental function and to screen and buffer the site along Main Street.

Public notice was published in the Gainesville Sun on October 12, 2010. The Plan Board held a public hearing on October 28, 2010.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of December 16, 2010 authorized the city attorney's office to prepare and advertise the necessary ordinance to amend the planned development commonly known as "Gainesville Auto Town Center".

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/16/10 City Commission Approved (Petition) with conditions as revised by the Plan Board (6 - 0 - 1 Absent)

100520_cpb recomm conditions_20101216.pdf

100520A_staff report_20101216.pdf

100520B_appd A_20101216.pdf

100520C_appd B_20101216.pdf

100520D_appd C_20101216.pdf

100520E_appd D_20101216.pdf

100520F_appd E_20101216.pdf

100520G_appd F_20101216.pdf

100520H_appd G_20101216.pdf

100520I_101028 cpb minutes_20101216.pdf

100520J_staff ppt_20101216.pdf

100520_MOD_PB-10-18 PDA_Applicant_PRES_101216_CCPH.PDF

100520_draft ordinance_20110901.pdf

100520_mod_gvilleautotownctr_20110901.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

090098.**LAND DEVELOPMENT CODE TEXT CHANGES PERTAINING TO LOT SPLITS AND MINOR SUBDIVISIONS (B)****Ordinance No. 090098; Petition PB-09-40 TCH**

An ordinance of the City of Gainesville, Florida, relating to minor subdivisions and lot splits, amending the Land Development Code by revising definitions in section 30-23, by revising requirements for lot splits and minor subdivisions in section 30-189, by revising the requirements for approved private streets in section 30-388; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance address a referral from the City Commission concerning the ability of the current minor subdivision and lot split processes to address the needs of the public to divide property, particularly when the property does not have frontage on a public right-of-way or is not currently served by public water and sewer.

Staff proposed three options to the City Plan Board on April 23, 2009. The Plan Board voted to forward a recommendation of approval to the City Commission that includes the following:

Lot Splits:

- allow an adjustment of the property boundary*
- allow a transfer of property to an adjacent lot where there will be no increase in the number of lots*
- require recording and public notice of petitions for lot splits*
- require a minimum of a 12 foot wide surface access*
- allow all lots created prior to 1992, to be considered as legitimate lots, if they meet the minimum lot size for the zoning district it is located*
- any lot that is being developed must have the ability to provide water, sewer, fire and solid waste services*
- provide an alternative of allowing a lot split without sewer services on a lot with a minimum size of one acre, where a septic tank is allowed by the Health Department*

Minor Subdivision:

- allowed on an existing easement or private street that qualifies*

as an

approved private street

- *require public notice with the Property Appraiser's office*
- *allowed on a new private street with a maximum of five lots, with the provision of a sidewalk, trail or walkway.*

After the April 23, 2009 hearing and prior to submitting the petition to the City Commission, staff discovered the need to address issues related to GRU, Public Works, Fire Safety and administrative processing. As more than 6 months elapsed before action by the City Commission, the 2009 petition was deemed denied without prejudice per Sec. 30-347.8 of the City's Land Development Code. On February 24, 2011, City Staff re-initiated the petition to the City Plan Board. The City Plan Board reheard and approved the amended petition, by a vote of 7-0.

The amended petition addresses the following:

- 1. The basic submittal requirements for Minor Subdivisions.*
- 2. Design and placement of water and sewer services in a Minor Subdivision, and allowance for connection to be made at time lots are developed.*
- 3. Requirements for frontage on a public street or approved private street.*
- 4. Connectivity and minimum block size for minor subdivisions.*
- 5. Modifications to the requirements associated with existing and new approved private streets for minor subdivisions.*
- 6. The basic submittal requirements for lot splits.*
- 7. Requirements for water, sewer, fire and solid waste services to serve lot splits.*
- 8. Creation of a new lot line adjustment process.*

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, September 1, 2011.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/18/11	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
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090098A_staff report_20110818.pdf
 090098B_exhibit 1_staff report 0409_20110818.pdf
 090098C_exhibit 2_090423 cpb minutes_20110818.pdf
 090098D_110224 cpb minutes_20110818.pdf
 090098E_application_20110818.pdf
 090098F_staff ppt_20110818.pdf
 090098_draft ordinance_20110818.pdf

100761.**REZONING - AIRPORT PROPERTY (B)****Ordinance No. 100761, Petition No. PB-11-13ZON**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the zoning category of "CON: Conservation" to "BI: Business industrial district"; consisting of approximately 47.8 acres; located in the vicinity of 3801 Northeast Waldo Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This petition requests a rezoning on a 47.8-acre portion of a 48-acre parcel from CON (Conservation) zoning to BI (Business Industrial), leaving a 0.2-acre portion in the Conservation zoning district since it serves to buffer an environmentally sensitive area on the neighboring parcel to the south. This parcel is located on NE Waldo Road north of NE 39th Avenue and is bounded by the Gainesville Regional Airport and the Alachua County Fairgrounds.

The subject property has been owned by the City of Gainesville since 1986, and is managed by the Gainesville Regional Airport. It is undeveloped and primarily consists of an open field, used occasionally for horse shows or overflow parking for special events. Rezoning the 47.8-acre portion of this parcel to Business Industrial is consistent with Plan East Gainesville, which was accepted by the City Commission in 2003, and the Gainesville Airport Authority's Master Planning Report, which was approved by the City Commission in August 2010 (Legistar number 100233). These plans include the construction of a new airport entry road from Waldo Road, which will be underway in early 2011.

Public notice was published in the Gainesville Sun on February 8, 2011. The City Plan Board held a public hearing on February 24, 2011.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/18/11 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

100761A_staff report_20110818.pdf
100761B_append A_applicable comp plan GOPs_20110818.pdf
100761C_append B_supplemental docs._20110818.pdf
100761D_append C_application_20110818.pdf
100761E_cpb minutes_20110818.pdf
100761F_staff ppt_20110818.pdf
100761_draft ordinance_20110818.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)