

City of Gainesville

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



Meeting Agenda

June 04, 2009

1:00 PM

City Hall Auditorium

City Commission

Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)
Commissioner Thomas Hawkins (At Large)
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

CALL TO ORDER

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

080880.

Purchase of Equipment and Services Related to the Traffic Management System (B)

This item is a request to purchase Traffic Management System equipment and/or services from vendors Advanced Cabling Solutions, Inc., Anixter, Inc., Express Supply, Inc., and D&D, Inc. These vendors have been selected from competitively bid contracts with other agencies which the City of Gainesville will piggyback.

Explanation: The Public Works Department is in the process of implementing the four phases of the Traffic Management System (TMS) with Phases I and II currently under construction. The Public Works Department and Florida Department of Transportation (FDOT) have been installing an Ethernet fiber/wireless network for the TMS in the Gainesville Urban Area. The communications infrastructure is one of the most critical parts of a traffic management system. An extensive traffic monitoring camera system is being installed as part of this project. Public Works intends to share this video with various governmental and non-governmental agencies. This includes purchasing a powerful core to handle the bandwidth, switching, and routing, and equipment to add to and maintain the fiber optic communications infrastructure.

This item will facilitate the purchase of traffic management equipment, network equipment, fiber installation and maintenance services, and underground conduit installation services for the remaining phases of the TMS, as detailed in the following table:

Vendor: Advanced Cabling Solutions, Inc
Product: Installation and maintenance services for the TMS communications infrastructure.

**Not to Exceed Contract Amount: \$2,225,000*

Vendor: Anixter, Inc.
Product: Underground conduit sales and installation.

**Not to Exceed Contract Amount: \$620,000*

Vendor: D&D, Inc.
Product: Installation and maintenance services for the TMS communications infrastructure.

**Not to Exceed Contract Amount: \$3,500,000*

Vendor: Express Supply, Inc.
Product: Communications and wireless equipment for the Ethernet network, server computers, and traffic monitoring cameras.

**Not to Exceed Contract Amount: \$1,194,000*

Fiscal Note: Funding for the total of the TMS project in the amount of \$18.2 million is available in various TMS project accounts including FDOT-TRIP Grant and Campus Development Agreement Capital Projects Fund.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the purchase of equipment from Advanced Cabling Solutions, Inc., Anixter, Inc., Express Supply, Inc., and D&D, Inc.; and 2) authorize the City Manager to execute all necessary documents and purchases for the remaining TMS project phases, subject to approval by the City Attorney as to form and legality.

080880_Procurement_20090507.pdf

090018.

FY 2009 Internet Crimes Against Children Task Force Program Continuation (NB)

Explanation: The United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention has requested the City of Gainesville apply for funding under the FY 2009 Internet Crimes Against Children Task Force Program Continuation. This funding will allow the continuation of the Gainesville Police Department's North Florida ICAC Task Force which provides equipment, training, and investigative support to agencies investigating crimes involving the victimization of children through the use of technology.

Fiscal Note: The City is eligible to receive grant funding up to a maximum of \$372,537. No matching funds are required.

RECOMMENDATION

The City Commission 1) authorize the City Manager to apply for these funds, and 2) execute any additional documents as may be required, subject to review and

approval as to form and legality by the City Attorney.

090043.

Approval of Request for Proposal Rankings - RFP #10-26 Solid Waste, Recycling and Yard Trash Collections within the City of Gainesville and Alachua County (B)

This item is a request for the City Commission to approve the rankings for RFP #10-26 Solid Waste, Recycling and Yard Trash Collections within the City of Gainesville and Alachua County.

Explanation: On March 4, 2009, the Alachua County Purchasing Division issued a Request for Proposals for the collection of residential solid waste, recycling and yard trash in both the City and County, and for municipal collection services in the City.

Five (5) proposals were submitted by the April 8, 2009 deadline. Respondents were asked to provide separate bids for individual City and County contracts and a bid for a joint contract to collect both.

The submissions contained the technical proposal and the sealed price proposal. The technical proposals, which included oral presentations and interviews, were independently evaluated by the review committee. Using the formula established by the Alachua County Purchasing Division the final ranking was as follows:

- 1. Emerald Waste Services LLC*
- 2. Waste Pro of Florida USA, Inc.*
- 3. Advanced Disposal Services, Inc.*
- 4. Republic Services, Inc.*
- 5. Veolia Environmental Services*

Fiscal Note: Funding for the annual services contract for Solid Waste, Recycling and Yard Trash Collections is available in the Solid Waste Enterprise Fund generated through residential refuse fees collected by Gainesville Regional Utilities by way of monthly residential utility bills.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the selection of the five (5) most qualified firms in the order of ranking; 2) authorize the City Manager or designee to initiate contract negotiations with the top ranked firm for annual Solid Waste, Recycling and Yard Trash Collections within the City of Gainesville and Alachua County; 3) authorize the City Manager or designee to initiate contract negotiations with the second ranked firm should negotiations with the top firm be unsuccessful; and 3) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

090043_Letter_20090604.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

090036.

PARKING CITATION APPEAL TIME (B)

Explanation: The City Attorney's Office has reviewed the time deadlines that are provided in Appendix A relating to the appeal of a parking citation. In consultation with City management, we concluded that the time limits currently provided by the City in appealing a citation are not sufficient to afford a person a reasonable opportunity to file an appeal. Therefore, we recommend that these time deadlines be revised to afford the citizenry with adequate time to challenge parking citations following denial of an affidavit of explanation.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance.

090036_ordinance_20090604.pdf

090065.

McGurn Investment Co. Appeal of Plan Board Decision, Petition No. PZ-09-0007. (B)

Explanation: On April 30, 2009, the City of Gainesville received an Appeal from the final decision of the Plan Board filed by McGurn Investment, Co. ("McGurn") regarding Petition PZ-09-0007 - Food Distribution Center for the Needy. McGurn alleges that St. Francis House did not meet its burden of proof to receive a renewal of its Special Use Permit for a food distribution center for the needy. McGurn requests the appointment of a hearing officer to hear the issue. The City Attorney's Office has arranged for the appointment of the hearing officer and will defend the decision of the City Plan Board.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the appeal styled McGurn Investment Co. Appeal of Plan Board Decision, Petition No. PZ-09-0007.

090065_consent McGurn_20090604.pdf

090066.

Willie Washington vs. City of Gainesville, FCHR No. 2009-00291, EEOC No.: 15D200900108. (B)

Explanation: On May 18, 2009, the City of Gainesville received a Petition for Relief filed by Willie Washington with the Florida Commission on Human Relations. Mr. Washington alleges that the City violated the Americans with Disabilities Act,

Title VII of the Civil Rights Act, and Chapter 760, Fla. Stat. He alleges that he was forced to resign even though the duties he could no longer perform were non-essential job functions. He alleges that similarly situated officers were given accommodations to allow them to remain employed. Mr. Washington is seeking lost pay, compensatory and punitive damages.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the administrative hearing styled Willie Washington vs. City of Gainesville, FCHR No. 2009-00291, EEOC.: 15D200900108.

090066_consent Washington_20090604.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****REGIONAL UTILITIES COMMITTEE, CONSENT****070352.****Status Report on Maximum Energy Efficiency #070352 (NB)**

This item is to request removal of an outstanding referral.

Explanation: On August 27, 2007 the City Commission referred this item to the RUC. The City Commission receives quarterly updates on our Energy Efficiency Program Results. At the May 13, 2009 meeting the RUC agreed to recommend that this item be removed from the referral list.

Fiscal Note: This item has no fiscal impact.

RECOMMENDATION

The Regional Utilities Committee (RUC) recommends that the City Commission remove this item from the referral list.

Legislative History

8/27/07	City Commission	Referred (6 - 0 - 1 Absent)	Regional Utilities Committee
4/8/09	Regional Utilities Committee	Deferred	
5/13/09	Regional Utilities Committee	Approved as Recommended	

070352_20070827.pdf

070516.**Conservation and Energy Use Goals - Mid Year Efficiency Program Update #070516 (NB)**

This item is to request removal of an outstanding referral.

Explanation: On September 24, 2007 the City Commission referred this item to the RUC. Staff provides the City Commission with quarterly updates on our Energy Efficiency Program Results. This item was discussed at the April 8, 2008 and June 10, 2008 RUC meetings. At the May 13, 2009 meeting the RUC agreed to recommend that this item be removed from the referral list.

Fiscal Note: This item has no fiscal impact.

RECOMMENDATION

The Regional Utilities Committee (RUC) recommends that the City Commission remove this item from the referral list.

Legislative History

9/24/07	City Commission	Referred (7 - 0)	Regional Utilities Committee
4/8/08	Regional Utilities Committee	Discussed	
6/10/08	Regional Utilities Committee	Discussed	
4/8/09	Regional Utilities Committee	Deferred	
5/13/09	Regional Utilities Committee	Approved as Recommended	

Mid Year Energy Efficiency Report to RUC June 10. 2008.pdf

070528.**Nuclear Energy Option and Recommendation #070528 (NB)****This item is to request removal of an outstanding referral.**

Explanation: On October 8, 2007 the City Commission referred this item to the RUC. GRU is no longer participating in discussions with the Levy project and believes that staff time is better utilized in other areas. At the May 13, 2009 meeting the RUC agreed to recommend that this item be removed from the referral list.

Fiscal Note: This item has no fiscal impact.

RECOMMENDATION

The Regional Utilities Committee (RUC) recommends that the City Commission remove this item from the referral list.

Legislative History

10/8/07	City Commission	Approved as Recommended and Referred (6 - 0 - 1 Absent)	Regional Utilities Committee
12/10/07	City Commission	Discussed	
4/8/08	Regional Utilities Committee	Discussed	
7/9/08	Regional Utilities Committee	Discussed	
8/13/08	Regional Utilities Committee	Discussed	

4/8/09	Regional Utilities Committee	Deferred
5/13/09	Regional Utilities Committee	Approved as Recommended

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

090069.

Anthony Hutchinson Day - May 21, 2009 (B)

RECOMMENDATION

GRU Field Services Technician Anthony Hutchinson to accept the proclamation.

090069_Proc_20090604.pdf

090070.

Darryl King Day - May 21, 2009 (B)

RECOMMENDATION

GRU Field Services Technician Darryl King to accept the proclamation.

090070_Proc_20090604.pdf

CLERK OF THE COMMISSION

CITY MANAGER

080393.

Alachua County Long Term Concurrency Management System Update (B)

This item provides an update to the City Commission regarding Alachua County's proposed Long Term Concurrency Management System.

Explanation: On October 2, 2008, Alachua County Growth Management staff made a presentation to the City Commission regarding a proposed Long Term Concurrency Management System. The system is intended to resolve transportation level of service (LOS) problems primarily occurring in the western unincorporated area of Alachua County. City staff commented on several aspects of the proposed long term concurrency management system and the City Commission requested a number of follow up actions (attached).

Subsequent to the October 2nd City Commission meeting, County staff and City staff did meet on two occasions to discuss specific proposed Comprehensive Plan language designed to implement the proposed long term concurrency management system. In addition, City staff has participated in two Alachua County Plan Commission meetings (April/May) in order to provide relevant comments (a copy of the latest version of comments is attached).

On May 20, 2009, the Alachua County Plan Commission did make a recommendation to the Board of County Commissioners to adopt the Comprehensive Plan language at a transmittal hearing. It is anticipated that the transmittal hearing would occur on June 9, 2009.

Fiscal Note: No fiscal impact at this time.

RECOMMENDATION

The City Commission: (1) hear a brief presentation by staff and provide appropriate direction.

Legislative History

10/2/08 City Commission Approved as shown above (See Motion) (7 - 0)

080393a_Plan_20081002.pdf
 080393b_Map_20081002.pdf
 080393c_Map_20081002.pdf
 080393d_Map_20081002.pdf
 080393e_Map_20081002.pdf
 080393f_Report_20081002.pdf
 080393g_County.Presentation_20081002.pdf
 080393h_City.Presentation.Planning_20081002.pdf
 080393i_City.Presentation.Transit_20081002.pdf
 080393A_Letter_20090604.pdf
 080393B_CC Minutes 10-2-08_20090604.pdf

GENERAL MANAGER FOR UTILITIES

090079.

Manufactured Gas Plant (MGP) Remediation - Funding Update (NB)

GRU has been notified by the Florida Department of Environmental Protection (FDEP) that recent state budget changes have affected the availability of funds from the Petroleum Cleanup Preapproval (PCP) Program. GRU had anticipated obtaining FDEP authorization for approximately \$3,000,000 in funding from the program by July 2009. Due to changes in the program, it is now unclear when PCP funding will be made available for the GRU MGP Remediation. A number of other critical projects are dependent on the MGP Remediation being completed on schedule; these include the proposed Cade Museum of Innovation and Technology, the Depot Avenue Reconstruction - Segment Three, the Depot Park Stormwater Ponds, the Depot Park Improvements and a portion of the FDOT's Main Street Improvements project.

Explanation: In 1990, GRU purchased the assets and liabilities of former Gainesville Gas Company (GGC). In 1992, a FDEP Consent Order was issued to the City to

investigate and remediate the environmental impacts attributable to the Manufactured Gas Plant formerly operated by GGC. At this time GRU has finalized the remediation design, obtained the necessary FDEP and ACEPD approvals and has executed a contract with ECT as the specified source contractor.

On May 14, 2009, the FDEP published modifications to the PCP Program which immediately affected the availability of funds for the GRU MGP remediation project. Rather than a direct legislative appropriation from the Inland Protection Trust Fund, the FDEP PCP Program now has to obtain bond funding. Therefore the anticipated \$3,000,000 in FDEP funds will not be available and authorized by this July 2009 as planned. Furthermore, at this time FDEP can confirm neither when nor how much funding might eventually be available for the GRU project from the PCP Program. Should GRU proceed with the work prior to the funds being authorized, then completed work is not eligible for state reimbursement as the PCP program is presently administered.

Fiscal Note: This project was to be funded jointly by the GRU-Gas Utility and by the FDEP's Petroleum Cleanup Preapproval Program. Loss of the FDEP funding will increase GRU's fiscal obligation by approximately \$3,000,000. GRU's portion of the costs could be funded through the Cost Recovery Factor charged to all Gas System customers. In order to replace the FDEP funding, the Cost Recovery Factor (CRF) would need to be raised \$0.006 per therm and the average residential gas customer's monthly bill would increase by about \$0.15. The present CRF is \$0.037 per therm.

RECOMMENDATION

The City Commission: 1) hear presentations from GRU Staff on recent developments in the availability of Florida Department of Environmental Protection (FDEP) funding and other possible funding alternatives; 2) authorize the General Manager to make the final decision to either wait for reinstatement of all or part of the FDEP funding or to proceed with the project to be funded fully from utility resources. Further, in the event that the General Manager determines that utilization of utility resources is in the best interest of the City, the City Attorney is hereby authorized to prepare and the Clerk to advertise an ordinance revising the MGP capital cost recovery factor to reflect the new revenue requirements.

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE**080135.****Causes and Responses to Prostitution Referral (B)**

Explanation: On June 23, 2008, the City Commission moved to refer Item #080135, Porter's Neighborhood - Causes and Responses to Prostitution Referral, to the Neighborhood Improvement Department (NID) and Gainesville Police Department (GPD) to work in partnership with other service providers within the community to develop a white paper which discusses the causes and possible mitigation strategies of prostitution in the Porter's neighborhood and other neighborhoods within the community.

Since that time, NID and GPD have formed partnerships with various non-profit service providers and governmental entities to prepare a white paper report. Due to the nature of this issue, it was necessary for the committee to meet multiple times to discuss, research, review and evaluate the causes and responses to prostitution within the community. For your reference, attached is a copy of the white paper report, "Prostitution and the Gainesville Community" regarding the causes and responses to prostitution within the community.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission hear a presentation from the committee and accept the white paper report on causes and responses to Prostitution.

Legislative History

6/23/08 City Commission Referred (7 - 0) City Manager
080135_PPT_20090604.pdf

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**

090067. Code Enforcement Officer Appreciation Week - June 8-12, 2009 (B)

RECOMMENDATION Code Enforcement Division CED Supervisor Dave Watkins and Code Enforcement Officer Jeff Look to accept the proclamation.

090067_Proc_20090604.pdf

090068. World No Tobacco Day - May 31, 2009 (B)

RECOMMENDATION Alachua County Health Department Health Department Administrator Jean Munden to accept the proclamation.

090068_Proc_20090604.pdf

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

PUBLIC HEARINGS

ADOPTION READING-ROLL CALL REQUIRED

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

090025. REVISION TO CHAPTER 8 OF THE GAINESVILLE CODE OF ORDINANCES RELATING TO DISCRIMINATION (B)**ORDINANCE NO. 0-09-19**

An ordinance of the City of Gainesville, Florida, amending Chapter 8 of the Gainesville Code of Ordinances, relating to discrimination; amending section 8-6 by repealing the term "readily achievable"; amending sections 8-48 and 8-49 (Employment), sections 8-68 and 8-69 (Public accommodations), sections 8-88 and 8-94 (Fair housing), relating to the use of shared shower and dressing facilities; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At the February 5, 2009, City Commission Meeting, the Commission referred the issue of the revision to Chapter 8 of the Gainesville Code of Ordinances to the Equal Opportunity Committee and requested the Chamber of Commerce be invited to participate in the EOC meetings.

On April 15, 2009, The Equal Opportunity Committee and members of the Gainesville business and community organizations discussed revisions to Ordinance No. 051225 relating to gender identity. The Committee

recommended certain revisions to the Ordinance.

At its meeting of May 7, 2009, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 8, relating to gender identity regarding public shared shower or dressing facilities as it relates to area business and community organizations.

This ordinance requires two hearings. Should the City Commission pass this ordinance on first reading, second and final reading will be held on Thursday, June 18, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

090025_draft ordinance_20090604.pdf

081018.

Election Date 2010 (B)

Ordinance No. 0-09-25

An ordinance of the City of Gainesville, Florida, setting March 16 2010, as the date for the 2010 regular city election; setting the dates for qualifying for the 2010 regular election; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of May 21, 2009, authorized the City Attorney's Office to draft an ordinance setting the 2010 regular city election dates.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/7/09	City Commission	Continued
5/21/09	City Commission	Approved as shown above (See Motion) (6 - 0 - 1 Absent)

081018_MOD_20090521.pdf

081018_draftordinance_20090604.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

RESOLUTIONS- ROLL CALL REQUIRED

080938.

City Commission Rules/Government Efficiency (B)

A Resolution to adopt amendments to the City Commission Rules of the City of Gainesville, Florida.

Explanation: The City Commission received a report from former Gainesville Regional Utilities General Manager Karen Johnson titled, "Streamlining Gainesville

Government." This report included a number of recommendations to increase efficiency and productivity in the following functions: Citizen Boards and Committees, Student Adjuncts, City Commission Committees, City Commission Meetings, and Elections. Several of the recommendations have been implemented and the remaining recommendations have been referred to the Audit, Finance and Legislative Committee. Staff determined that a portion of the recommendations can be implemented by amending the City Commission Rules.

The following is a summary of the amendments to the City Commission Rules approved by the City Commission on May 7, 2009.

Rule VI - City Commission Committees

(A) Remove reference to the Personnel and Organizational Structure Committee. This Committee is no longer utilized.

(I) All referrals not completed in six (6) months must seek re-authorization or removal from the referral list by the City Commission prior to the six month due date.

(L) The Clerk of the Commission shall include the City Commission referral list on a City Commission Agenda two times a year and maintain a referral list on the City's Intranet and Internet.

(O) The Standing Committee Chair shall review all Committee meeting agendas and agenda items.

(P) The Standing Committee Chair, or appointed designee, shall be the sponsor of any committee item brought forward for discussion before the City Commission.

Rule VII - Advisory Boards and Committees

7. All Boards and Committees shall submit an annual workplan and accomplishment report to the City Commission. The details associated with the workplan will be dependent upon the mission of the board or committee. The annual workplan and accomplishment report will be submitted to the City Commission during the annual budget process.

Rule VIII - City Commission Meeting Order of Business

Introduction: The Business of the Commission shall be taken up for consideration and disposition in the following order except as changed by the Mayor in agenda review; or by the Mayor or by the Commission during the Adoption of the Agenda to allow greater citizen participation.

(T) 2. Resolutions

(T) 3. Ordinances

Rule XI - Rules of Debate

Signs, props, and posters are not permitted in the meeting room except as provided in Rule XIII.

Rule XIII - Decorum

Members of the public are not permitted to possess food, drink, props, signs, posters, or other similar material in the meeting room. Speakers at the podium addressing the Commission may use PowerPoint as part of their presentation

RECOMMENDATION

Recommended Motion: The City Commission 1) adopt the Resolution.

090042_Resolution_20090604.pdf

090044.**Designation of PACE Alachua Expansion Project as Project Sponsor (B)**

This item seeks an OTTED Designation of the PACE Alachua Expansion Project as a Project Sponsor for the Enterprise Zone Community Contribution Tax Credit Program.

Explanation: The Community Contribution Tax Credit is an incentive offered by the State of Florida as part of the Enterprise Zone program. The incentive allows businesses anywhere in Florida to take a 50% credit on their Florida corporate income tax, insurance premium tax, or sales tax refund for donations made to designated local community-development Project Sponsors. Communities are permitted by the State to designate multiple projects as Project Sponsors. Currently, the Gainesville Technology Enterprise Center is the only designated Project Sponsor in the Gainesville Enterprise Zone.

PACE Center for Girls of Alachua (PACE) is a non-residential delinquency prevention program that targets the needs of females 12 to 18 who are identified as dependent, truant, runaway, delinquent, or in need of academic skills. Their facility is located in the Gainesville Enterprise Zone at 1010 SE 4th Ave. The PACE Alachua Expansion will physically expand the existing center with the construction of seven new classrooms. In addition, plans include a remodel of the current facility. The total project cost is estimated at \$1,000,000. The final development order for the expansion has been approved by the Planning Division and ground breaking is expected in July 2009. The PACE Alachua Expansion already has considerable support from the local business community. The hope is that the Community Contribution Tax Credit will further encourage donations to help PACE raise the funds necessary to complete the project.

In order for a project to be designated as a Project Sponsor, the State of Florida Office of Tourism, Trade and Economic Development (OTTED) must receive a completed Project Sponsor application packet. Staff is in the process of completing the application. As part of the application, OTTED requires that the local government pass a resolution stating that the proposed project is consistent with local plans and regulations.

Fiscal Note:

There is no fiscal impact.

RECOMMENDATION

The City Commission: 1) Approve PACE Alachua Expansion as a Project Sponsor for the Enterprise Zone Community Contribution Tax Credit Program and approve the Resolution confirming that the proposed project is consistent with local plans and regulations.

090044a_Resolution_20090604.pdf
090044b_Letter_20090604.pdf
090044c_Application_20090604.pdf
090044d_PACE History_20090604.pdf

PLAN BOARD PETITIONS

090007.

Establish and Describe a Heritage Overlay District and Procedures (B)

Petition PZ-09-17 TCH. City of Gainesville. Amend the City of Gainesville Land Development Code to establish and describe a Heritage Overlay District and procedures.

Explanation: On September 24, 2007, the City Commission directed staff to process a Plan Board Petition to establish a Heritage Overlay District (HOD) designation, describe what can be regulated within a HOD, and describe procedures and criteria for applying the district to a particular geographic area.

The proposed regulations set criteria that all HODs must meet. Those criteria address district boundaries, number of parcels, existing uses, and other factors. If these regulations are adopted, and a request to place a HOD over a certain geographic area meets those minimum requirements, then the City Commission could consider the request through the standard rezoning process, including application forms, application fees, public notice and public hearings.

Prior to the Plan Board's public hearing of this petition, the Plan Board held public discussions about HODs on September 22, 2008 and January 22, 2009. At the January 22, 2009 meeting, planning staff recommended that the Plan Board include a provision requiring that applications for HODs include a petition supporting the designation of the district, with the signatures of the owners of 70 percent of the lots in a proposed district. Planning staff believes that this demonstrates a high level of consensus in favor of the additional regulations. The City Commission requires a similar demonstration of consensus for the imposition of additional residential parking regulations. In that case, the City Commission requires the signatures of the owners of only 60 percent of the lots in a proposed district. Planning staff believes that since regulations associated with HODs are likely to be much more restrictive than parking regulations, requiring a higher level of consensus makes sense. Although legally, these types of petitions are not required, they are sometimes considered a good idea because they can be an indicator of the level of consensus and the level of commitment among property owners. Ultimately, the decision of whether or not to require a petition indicating property owner concurrence and what the level of concurrence should be is a policy decision.

The Plan Board noted other City overlay districts that did not require any written concurrence of any property owners and voted not to require the prior concurrence of any property owners.

The Plan Board heard this petition on April 23, 2009 and recommended

approval of the regulations as proposed by staff, except that vegetation, fences and building color be added to the list of elements that may be regulated. The Plan Board noted that these elements could significantly impact the visual aesthetics of an area.

Although planning staff agrees that these elements impact visual aesthetics, planning staff recommends that vegetation and building color not be regulated. Generally, regulations pertaining to these elements are difficult to administer and enforce. The fact that these elements do not require a building permit contributes to that difficulty. Even in the City's historic districts, these elements are not currently regulated beyond the City's minimum landscaping regulations.

With respect to regulating fences, the City has set the precedent by regulating fences in historic districts. Planning staff supports regulating fences if that regulation is limited to the height and style of fences located between the main building and the street.

Public notice was published in the Gainesville Sun on April 7, 2009. The Plan Board held a public hearing on April 23, 2009.

Fiscal Note: The fiscal impacts of HODs depend on the number of districts and the number of projects within those districts. As the number of projects increase, the fiscal impact of reviewing and administering those projects also increases.

RECOMMENDATION

City Plan Board to the City Commission-The City Commission approve Petition PZ-09-17 TCH as proposed, except that vegetation, fences and building color be added to the list of elements that may be regulated. The Plan Board voted 5-1.

Staff to Plan Board-Approve Petition PZ-09-17 TCH.

Alternative Recommendation A-The City Commission approve Petition PZ-09-17 TCH as proposed, with an added provision requiring that applications for HODs include a petition supporting the designation of the district, with the signatures of the owners of at least 70 percent of the lots in the proposed district.

Alternative Recommendation B-The City Commission approve Petition PZ-09-17 TCH as proposed, with an added provision requiring that applications for HODs include a petition supporting the designation of the district, with the signatures of the owners of at least 70 percent of the lots in the proposed district, except that fences be added to the list of elements that may be regulated and that that regulation is limited to the height and style of fences located between the main building and the street.

090007_staff report_20090604.pdf

090007A_staff ppt_20090604.PDF

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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